

**Clark County Planning Commission**  
**Regular Meeting – 2 p.m.**  
**Wednesday, July 6, 2005**

**County Offices – Municipal Courts**  
**Building**  
**Public Chambers**  
**5th Floor, 50 East Columbia Street**  
**Springfield, OH 45502**

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# **AGENDA**

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- |  |  |                                    |
|--|--|------------------------------------|
| <b>1. Minutes – June 1, 2005 (Regular)</b> |  | <i>Discussion &amp;<br/>Action</i> |
| <b>2. Subdivision</b><br>SB-2005-2         | <b>The Bluffs at Hunter's Glen – Section One (Final)</b><br>Mad River Township ~ 27.5448 acres ~ 35 lots<br>west of Enon-Xenia Rd. and north of Clark-Greene Co. line<br>The Bluffs at Hunter's Glen LLC | <i>Discussion &amp;<br/>Action</i> |
| <b>3. Subdivision</b><br>SB-2005-6         | <b>Northridge Subdivision No. 30A (Final)</b><br>Moorefield Township ~ 11.340 acres ~ 33 lots<br>1780 Moorefield Rd.<br>Michael K. and Sherri L. Hufford   | <i>Discussion &amp;<br/>Action</i> |
| <b>4. Rezoning Case</b><br>Z-2005-3        | <b>White Oak Communities/Creekside Communities, Inc.</b><br>Mad River Township ~ 14.837 acres<br>7689 Dayton Rd.<br>R-2 to PD-R (Planned Development (Residential) District)                             | <i>Discussion &amp;<br/>Action</i> |
| <b>5. Rezoning Case</b><br>Z-2005-4        | <b>James L. Watt</b><br>Mad River Township ~ 27 acres<br>southwest corner of Fowler Rd. and Fairfield Pk.<br>A-1 to R-1 (Rural Residential District)   | <i>Discussion &amp;<br/>Action</i> |
| <b>6. Staff Comments</b>                   |  | <i>Discussion</i>                  |
| <b>7. Adjournment</b>                      |  | <i>Action</i>                      |

# Minutes

## Clark County Planning Commission

Regular Meeting ~ 2 p.m.  
Wednesday, June 1, 2005

County Offices/Municipal Courts Building  
Public Chambers  
5<sup>th</sup> Floor, 50 East Columbia Street  
Springfield, Ohio

Mr. Elliott Turner, Chairperson of the Clark County Planning Commission, called the meeting to order at 2:00 p.m.

Present: Mr. Elliott Turner, Mr. Lowell Bicknell, Mr. Max Cordle, Ms. Diane Jordan, Mr. Robert Jurick, Mr. John Detrick (arrived 2:07), Mr. David Hartley, and Mr. Roger Tackett.

Absent: Mr. Allen Perkins, Mrs. Regina Rollins, and Mrs. Elaine Stevenson.

### CPC: 6-18-2005: Minutes ~ May 4, 2005 (Regular Meeting)

Motion by Mr. Cordle, seconded by Ms. Jordan to adopt the minutes.

**VOTE: Motion carried unanimously.**

### MR-2005-99 ~ Mad River Township Zoning Regulations

Philip Tritle, Planning Staff, explained that the proposed Mad River Township Zoning Regulations document would replace County Zoning (in Mad River Township). Eventually, it will be put on the ballot in Mad River Township. The Village of Enon will not be included in the rezoning or adoption of the zoning text or map, because township zoning only applies in non-incorporated areas.

The township trustees sent a letter, dated April 21, 2005, to the Planning Commission asking for a review of the proposed text for Mad River Township. Mr. Tritle noted that the page numbers and the beginning text and ending text of each page of the reviewed regulations may differ from the original document as submitted to our office. This is the result of formatting differences and changes in fonts to highlight changes/variations between the proposed Mad River Township Zoning Resolution and the Clark County Zoning Resolution.

The proposed code (text and language) follows more than 95% of the Clark County Zoning code. Mr. Tritle reviewed the steps required to adopt Township Zoning (as outlined in the Ohio Revised Code – ORC 519.02 through ORC 519.22). There are two areas that are different.

1. A potential problem exists between following the Mad River Township Comprehensive Land Use Plan and/or following the Clark County Comprehensive Land Use Plan. It is staff's opinion that the County's Comprehensive Plan would take precedence over a separate Township Plan unless or until the Township's Plan is made part of the County's Plan. Staff strongly suggests the issue be discussed with the Prosecutor's office.
2. The second area of difference is the inclusion of *Well Field Protection Regulations*. The Well Field Protection Regulations were taken from the model provided by the Miami Valley Regional Planning Commission dated April 2003. This requires that proposed uses within the designated Well Field Protection area will need to comply with additional issues such as

“Regulated Substances” management and reporting. He noted three chapters in which there are discrepancies.

Mr. Tritle also covered areas in need of minor correction. The zoning maps were introduced. Mr. Tritle asked for questions.

Mr. Bicknell asked if this will go before the township residents for a vote and if the issue were to be voted down, what would happen.

Mr. Tritle responded that this issue would go before the residents for a vote and if voted down, County Zoning would continue to be in effect.

Chairperson Turner asked for trustee input.

Ms. Kathy Estep, Mad River Township Trustee, explained that the township did not send a copy of the township resolution (regarding its intention to establish township zoning) to the county because it was not stated in the Ohio Revised Code as being required. She stated that Shane Farnsworth, Clark County Planning Director, was present at one of the first meetings. She apologized for not sending formal notification. Ms. Estep expressed appreciation for the zoning maps which were provided by the Planning Department. The township has already held their first public hearing. The second public hearing is scheduled for July 20, 2005.

Ms. Estep stated that the township has a land use planning committee which has been working with the township zoning committee. They have prepared revisions to the township land use plan and to the map which brings them in line more closely with the county plan. These revisions will be forwarded to the county as soon as the township trustees give their approval.

Mr. Howard White addressed the well field issues and asked for questions from the commission.

Chairperson Turner asked for further questions. There were none.

### **CPC: 6-19-2005: MR-2005-99 ~ Mad River Township Zoning Regulations**

Motion by Mr. Jurick, seconded by Ms. Jordan to recommend **Approval** of the proposed Mad River Township Zoning Regulations.

*Motion carried unanimously.*

### **Staff Comments:**

**County Zoning Amendments** – Staff is not requesting formal action at this time.

- There will be clarifications to the County Zoning Code in two areas.
- There are plans to add/modify zoning definitions.

# Minutes

## Clark County Planning Commission

Presentation – Mike Haubner, Executive Director of OSU Extension Agency - “Ag and the Arts”, the history, and activities that are planned for 2005. This is a pilot program which combines multi-image photography and symphony music. “Our Fields, Farms, and Families” will help people relate to modern day agriculture through the arts. These presentations will begin in November. There are plans to produce a program for Public Television.

- November 18, 2005 – a presentation for the youth
- November 19, 2005 – a presentation for symphony ticket holders
- November 20, 2005 – a presentation for the general public

Pleasant Township Comprehensive Plan – Staff is not requesting formal action at this time.

- Utilizes the county’s Comprehensive Land Use Plan as its foundation
- June 16<sup>th</sup> and 23<sup>rd</sup> from 6:00 pm to 8:00 pm – public hearings will be held at the Pleasant Township Fire House in Catawba
- The document will come back before the Clark County Planning Commission in July or August of this year

### Board Comments:

None.

### Adjournment

#### CPC: 6-20-2005: Adjournment

Motion by Ms. Jordan, seconded by Mr. Bicknell to adjourn the meeting.

***VOTE: Motion carried unanimously.***

The meeting was adjourned at 3:01 p.m.

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Mr. Elliott Turner, Chairperson

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Mr. Shane Farnsworth, Secretary

NOTE FOR MINUTE BOOK: See additional information included following the minutes.

# **THE BLUFFS AT HUNTERS GLENN - SEC. 1 (Final)**

To: Clark County Planning Commission	Date of Meeting: July 6, 2005
From: Planning Staff	Date of Report: June 29, 2005

Subdivision Location: Mad River Twp. - Sec. 5 & 11, Town 3 Range 8

Owner: The Bluffs at Hunters Glenn, LLC

Developer: Lewis Construction

Surveyor: Luis G. Riancho & Associates

Engineer: Armando Valdes

Request: To subdivide 27.5448 acres into 35 single-family residential lots

Facilities: Public water & sewage

## **Platting History**

The Bluffs at Hunters Glenn Preliminary was approved in February 2005. This property was zoned R-2 in 1995.

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*Below are comments from the various county agencies:*

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## **County Engineer**

The County Engineer has reviewed the final plan submittal for The Bluffs at Hunters Glenn - Section One and finds the plans are in general compliance with the Technical Specifications governing subdivision development. (see June 24<sup>th</sup>, 2005 memo)

## **Soil & Water Conservation**

The Clark Soil & Water Conservation District has received the revised improvement plans for the above site (The Bluffs) and the plans are in general compliance with NPDES Permit requirements. (see June 24<sup>th</sup>, 2005 memo)

## **County Utilities Dept.**

The Clark County Utilities Department has reviewed additional information provided for the Section 1 Final plan set for the Bluffs at Hunters Glenn prepared by Luis G. Riancho & Associates and Armando A. Valdes, P.E.

Based on our review of the additional information submitted, we recommend that the Section 1 Final plans be approved by the Commission as they relate to utilities at this time contingent upon the applicant submitting of an updated project construction cost estimate and obtaining Ohio EPA approvals for the proposed sewer and water systems. Please let me know if you have any questions or comments concerning the above or attached. (see June 29<sup>th</sup>, 2005 memo)

### **Mad River Township Planning Committee**

Previous comments of the Mad River Township Planning Committee still apply to current proposal for "The Bluffs" development. Among others, but, in particular:

1. Corrections needed on development map and pointed out by this committee and other county agencies have yet to be indicated on map provided.
2. No water retention provision has been indicated on the map, and previous question about that issue has not been addressed.
3. If there is a "phasing plan" for additional development in this area by the same developer, we believe the "big picture" should be addressed in this plan proposal.

Based on the listed concerns, the Mad River Township Planning Committee recommends denial of the proposal. (see June 20<sup>th</sup>, 2005 memo)

### **Mad River Township Trustees**

The Mad River Township Trustees have reviewed the memoranda from the Mad River Township Planning Committee pertaining to the proposals regarding "the Bluffs", "Creekside", and the Watts property on Fowler Road. We concur with their comments and recommendations. (see June 20<sup>th</sup>, 2005 memo)

### **County Planning**

This property is classified by the Clark County Land Use Plan as Medium density residential development (4 to 6 dwellings per acre - gross density) which should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

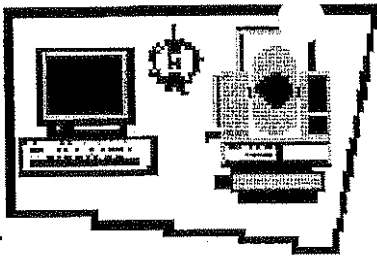
This is the first phase of a 150 lot development. Changes to plans have occurred over the past several months to comply with various County departments. They are now ready to proceed with obtaining approval for The Bluffs - Sec. One.

## **Recommendation**

As you can see by the reports from the County agencies, only the minor issue of revised cost estimate and obtaining the necessary OEPA approvals are remaining. The Staff recommends approval subject to the comments of the County Utilities Department being addressed.

#### **Attachments:**

County Engineer's Letters  
Soil and Water Conservation District's Letter  
County Utilities Dept. Letter  
Mad River Twp. Planning Committee letter  
Mad River Twp. Trustees letter  
Location Map  
Final Plat



Clark County  
Engineer's Department  
4075 Laybourne Rd Springfield, Ohio 45505-3613  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyohio.gov/engineer](http://www.clarkcountyohio.gov/engineer)

June 24, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Senior Planner

Re: **SB-2005-2 The Bluffs at Hunters Glenn – Sec. One**  
**Final Review Comments**

Mr. Tritle,

The County Engineer has reviewed the final plan submittal for The Bluffs at Hunters Glenn – Section One and finds the plans in general compliance with the Technical Specifications governing subdivision development.

Sincerely,

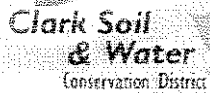
Bruce C. Smith P.E., P.S.  
Clark County Engineer

Kenneth D. Fenton  
Deputy Engineer

K:\Subdivisions\The Bluffs at Hunter Glen\Section 1\Co. Planning letter 062405.doc

Donald Boyle – Road Superintendent  
Paul W. DeButy P.E. – Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank – Bridge Superintendent  
Pamela Fulton – Office Assistant

William A. Pierce, P.S. – LIS Director  
Shayne Gray – GIS/CAD Coordinator  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor  
Ned G. Weber, Deputy Engineer



4400 Gateway Blvd. - Suite 103  
Springfield, Ohio 45502

Phone (937) 328-4600/4601  
Fax (937) 328-4606

*With the Right to Own – Goes the Duty to Conserve*

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**BOARD OF SUPERVISORS**

Paul Snyder, Chairman

Alan Donaldson, Vice Chairman

Paul Wilson, Fiscal Agent

John Ritter, Secretary

David Stickney, Treasurer

June 24, 2005

Mr. Phil Tritle  
Clark County Planning Department  
25 West Pleasant St.  
Springfield, OH 45506

Re: The Bluffs at Hunters Glen-Final Plan Submittal  
Enon Xenia Rd. ~ Mad River Twp.

Mr. Tritle,

The Clark Soil & Water Conservation District received revised improvement plans for the above site and the plans are in general compliance with NPDES permit requirements.

Respectfully,

Christine L. Pence, CPESC  
Urban Coordinator

cc: Dean Fenton, Luis Riancho



# CLARK COUNTY DEPARTMENT OF UTILITIES

Garfield Building  
25 W. Pleasant Street  
P.O. Box 1303  
Springfield, Ohio 45501-1303  
Telephone (937) 328-2493; Fax (937) 328-2616

Alice Godsey, P.E.  
Director of Utilities

Christopher Neary  
Business Systems Manager

June 29, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506

Attention: Mr. Phil Tritle, Senior Planner

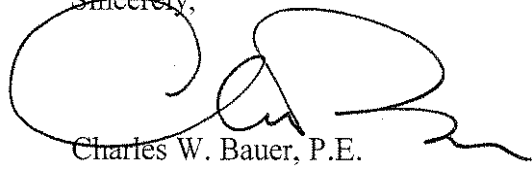
Re: Review Comments – Section 1  
Final, The Bluffs at Hunters Glenn,  
Enon, Ohio

Mr. Tritle,

The Clark County Utilities Department has reviewed additional information provided for the Section 1 Final plan set for the Bluffs at Hunters Glenn prepared by Luis G. Riancho & Associates and Armando A. Valdes, P.E.

Based on our review of the additional information submitted, we recommend that the Section 1 Final plans be approved by the Commission as they relate to utilities at this time contingent upon the applicant submitting of an updated project construction cost estimate and obtaining Ohio EPA approvals for the proposed sewer and water systems. Please let me know if you have any questions or comments concerning the above or attached.

Sincerely,



Charles W. Bauer, P.E.  
Deputy Director of Utilities

cc: Director Godsey, email  
File

**Mad River Township Planning Committee**  
***"Preserving Our Rural Heritage"***

June 20, 2005

Attachment (1): Comments on proposal for "The Bluffs"

Previous comments of the Mad River Township Planning Committee still apply to current proposal for "The Bluffs" development. Among others, but, in particular:

1. Corrections needed on development map and pointed out by this committee and other county agencies have yet to be indicated on map provided.
2. No water retention provision has been indicated on the map, and previous question about that issue has not been addressed.
3. If there is a "phasing plan" for additional development in this area by the same developer, we believe the "big picture" should be addressed in this plan proposal.

Based on the listed concerns, the Mad River Township Planning Committee recommends denial of the proposal.

Respectfully,

A handwritten signature in cursive script, appearing to read "W. R. Cottrell", written in dark ink.

W. R. Cottrell, Chmn.

## MAD RIVER TOWNSHIP

Trustees: Robert McClure, Jr., Richard J. Schumann, Kathy Estep

Clerk: James A. Matthews

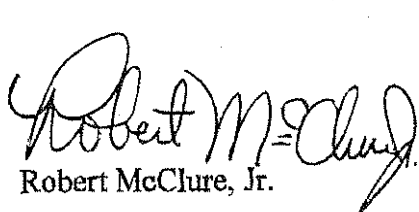
260 East Main Street, Box 34, Enon, OH 45323

[www.madrivertownship.org](http://www.madrivertownship.org)

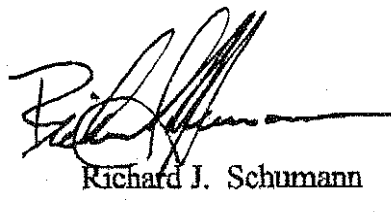
June 20, 2005

Subject: Project Proposals for July Planning Commission Meeting

The Mad River Township Trustees have reviewed the memoranda from the Mad River Township Planning Committee pertaining to the proposals regarding "the Bluffs", "Creekside", and the Watts property on Fowler Road. We concur with their comments and recommendations.



Robert McClure, Jr.

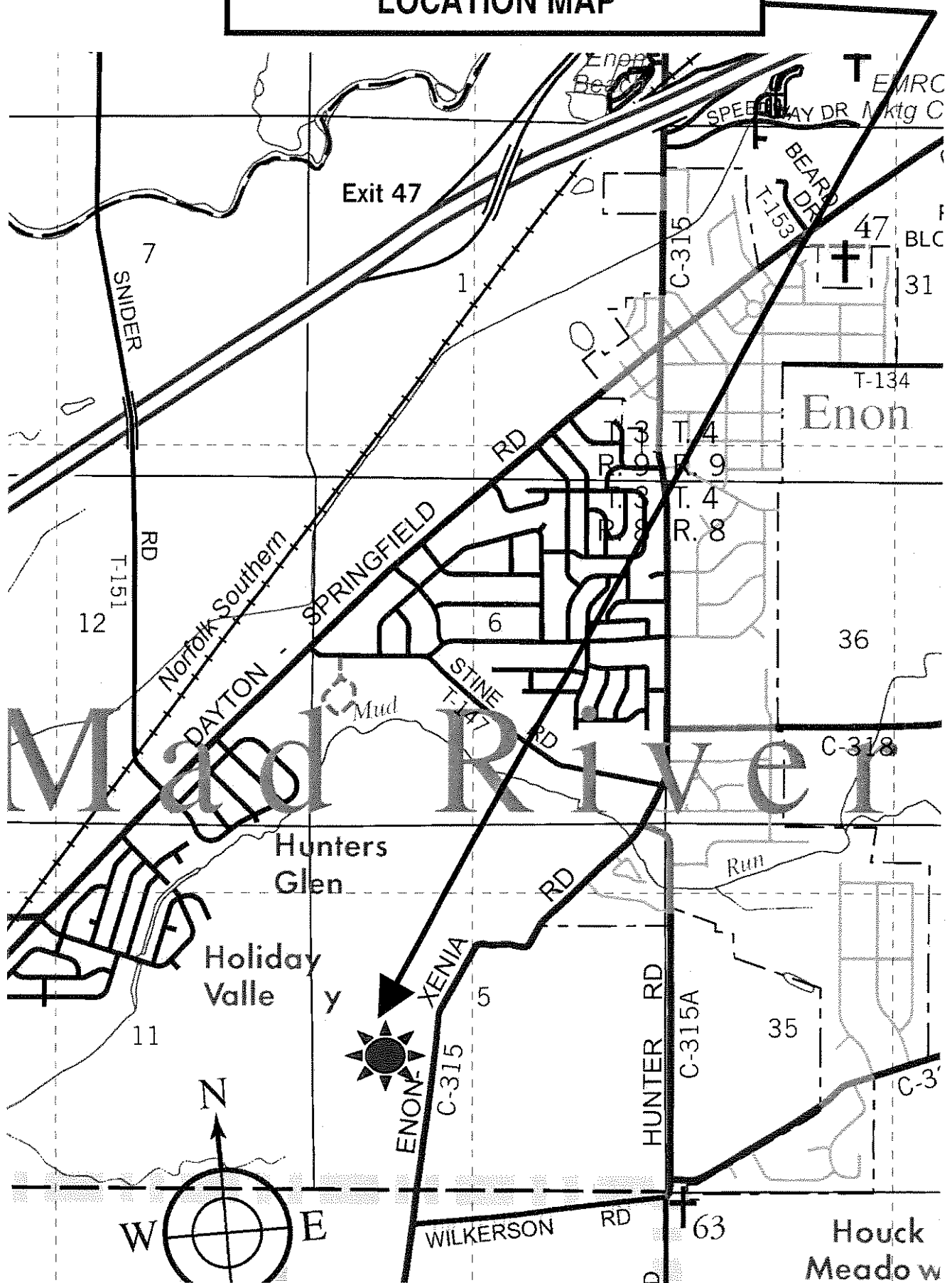


Richard J. Schumann



Kathy Estep

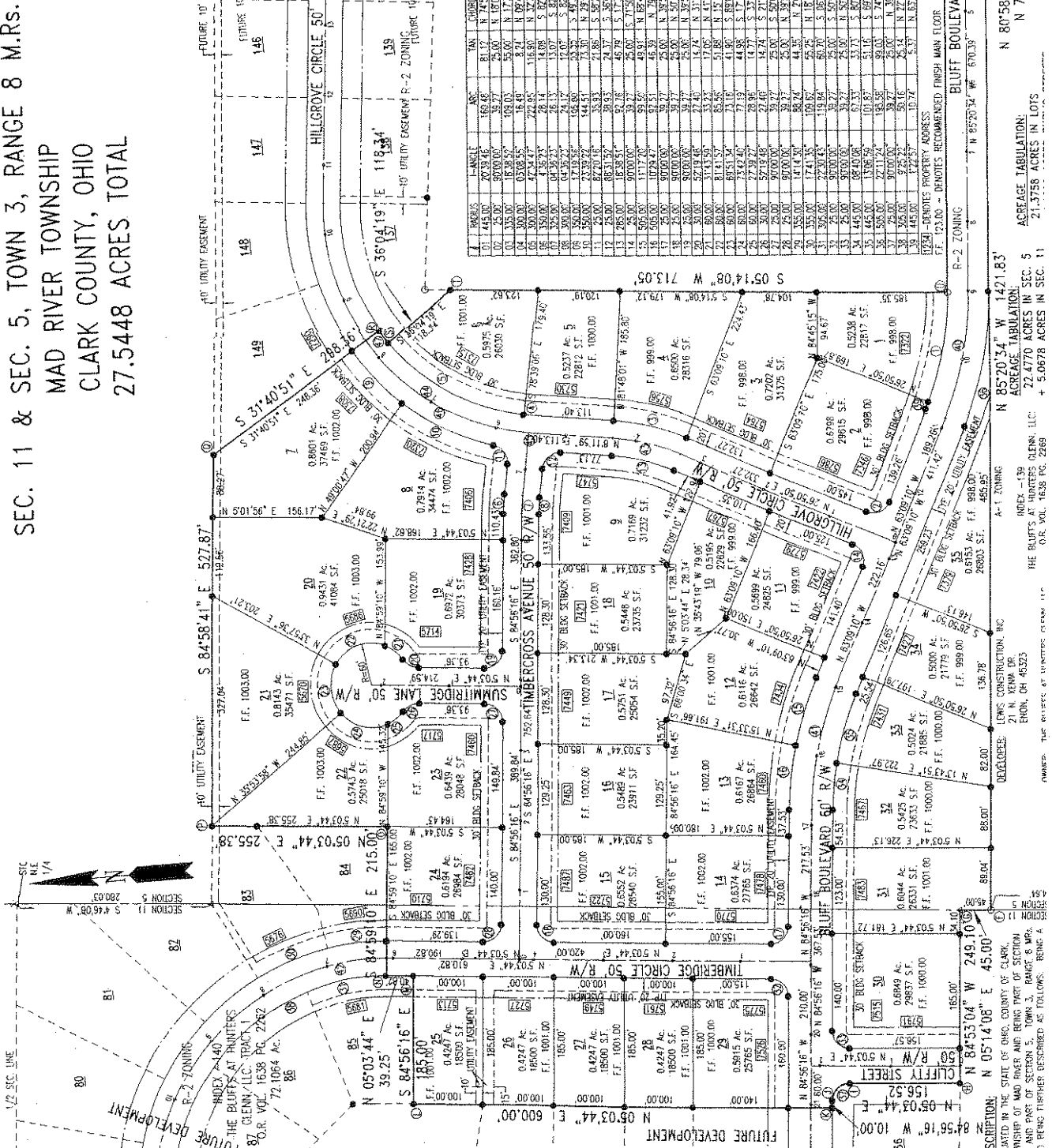
# LOCATION MAP



## THE BLUFFS, SEC. 1 - Final Plat

SEC. 11 & SEC. 5, TOWN 3, RANGE 8 M.Rs.  
MAD RIVER TOWNSHIP  
CLARK COUNTY, OHIO  
27.5448 ACRES TOTAL

SEC. 11 & SEC. 5, TOWN 3, RANGE 8 M.Rs.  
MAD RIVER TOWNSHIP  
CLARK COUNTY, OHIO  
27.5448 ACRES TOTAL



## Northridge No. 30A (Final)

To: Clark County Planning Commission	Date of Meeting: July 6, 2005
From: Planning Staff	Date of Report: June 28, 2005

Subdivision Location: Moorefield Township - Sec. 22, Town 5, Range 10

Owner: Michael K. & Sherri L. Hufford  
Developer: Hoppes Builders & Development Co.  
Surveyor: Hoppes Engineering & Surveying Co.  
Engineer: Hoppes Engineering & Surveying Co.

Request: To subdivide 11.340 acres into 33 single-family residential lots  
Facilities: Public water & sewer

### Platting History

This property was rezoned PD-M in December 2004. Northridge 30 was granted Preliminary approval May 4, 2005. This Preliminary approval was also the Final approval for the PD-M zoning.

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*Below are comments from the various county agencies:*

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### County Engineer

The County Engineer has reviewed the final plan submittal for Northridge No. 30, Part A and finds the plans are in general compliance with the Technical Specifications governing subdivision development. (see June 24, 2005 memo)

#### LIS

- 1) Please move some of the text where it overlaps existing line work or other text and show tic marks long the r/w lines to help in locating the P.C. and P.T. points. Also, please enlarge the symbols for the 5/8" iron bar (set) w/plastic cap. In some places, it is hard to tell what symbol is called for. Would a detail help in displaying this information?
- 2) The property lines containing the adjacent owner's name along with their deed volume and page are missing on the drawing. (See Survey Review Item #8)
- 3) Lot Numbers 2201, 2207, 2230 and 2233 do not close due to the missing tangent bearing along the right-of-way line.
- 4) The description notes this subdivision as being in Section 27, Town 5, and Range 10. This should read being in Section 22, Town 5, and Range 10. Also, the drawing notes the transfer of property to Hoppes Builders and Development Company from M.K. Hufford and Sherri Hufford. This transfer has not taken place yet. Please show the current owner's name along with their deed volume and page.
- 5) Please show the radius width at the end of the cul-de-sac of Crandall Lane.
- 6) In the caption, the plat shows this being a part of the N.E. corner of Section 22, Town 5, and Range 10. This should read being in the southwest corner of Section 22, Town 5, and Range 10.
- 7) The west line of lot #2226 shows a 30' wide easement. This measures 15 foot wide and the number 15' is also shown within this area.
- 8) Please label the 20-foot easement along the south line of Lots 2201 thru 2207.
- 9) The control line for this survey references a tie to the south quarter corner of Section 21, Town 5, and Range 10. This should read the south quarter corner of Section 22, Town 5, and Range 10. Also, is this point at the intersection of Moorefield Road and Middle-Urbana Road? If so, please reference on the plat.

## **Soil & Water Conservation**

The Clark Soil & Water Conservation District has reviewed the above plans. There are a number of items/issues to be addressed:

### **Previous comments not addressed**

1. The NPDES Phase II Construction Permit was finalized in 2003 and requires additional components to address stormwater in developments. One specific component includes Post-Construction Stormwater Management. An analysis must be completed to address anticipated impacts on downstream channels, floodplain morphology, hydrology and water quality. A combination of both structural and non-structural BMPs should be utilized, such as grassed swales, infiltration trenches and basins, and greenspace. The proposed layout for this site does not include provisions for post-construction stormwater management.
2. Maintenance of Stormwater Facilities and drainage easements - A Request for Assistance should be submitted to place the improvements and easements on Clark County's Ditch Maintenance Program.

### **Chapter 4 ~ Planned Development District Requirements and Procedures**

#### **Section A.12. Final PD Plan**

**d) Landscape plan including screening and buffering.** None proposed.

**e) Maintenance/ownership of stormwater facilities.** Mentioned above, comment 2. Existing pond drainage easement to Richard A. and Martha A. Haerr should be transferred to Clark County upon completion and acceptance of NR 30 Part A in order to ensure proper maintenance of stormwater facilities from basin to outlet pipe at Ashley Drive.

### **Sheet 3**

1. Additional details needed on proposed rear yard swale on east side of Crandall. Provide proposed cross sections along stationing. Extend swale to rear of Lot 2201-2207. No stationing provided for rear swale on west side Crandall;
2. No information provided for stabilization of swales entering proposed basin;

### **Sheet 7**

1. Additional basin details needed, elevations, slow release device, outlet protection.

### **Sheet 20-SWPPP**

1. Detention basin details-emergency overflow, outlet structure, slow release device, stabilization at swale entrances.
2. No temporary, permanent seed locations specified or seed specification;
3. Soil stockpile/borrow locations not shown;
4. Temporary construction entrance location not shown or specified;
5. Delineation of soil types on site not shown;
6. Inlet protection and details missing;
7. Estimated quantities missing;
8. Include Individual Lot protection detail;
9. Include matting specifications and locations;
10. Additional details needed if detention basin will also be used as sediment basin during construction.

**Other**

1. No grading plan submitted
2. No details provided on flow and treatment of water from offsite, specifically from the northwest coming into basin near lot 2216.
3. Request 20' easement along rear of lots 2216-2223;
4. Concerns regarding proposed detention basin remaining wet due to close proximity of existing pond. Seepage of groundwater is likely to take place.
5. No profile or details of proposed 18" storm included with plans;
6. Request easement 20' easement between lots 2211 and 2212.
7. Floor elevations for lot 2215 and 2216 appear to be excessively higher than street. The lot elevations appear to be approximately 16 feet higher than bottom of proposed basin within a very short distance, which becomes a safety concern. Consider lowering elevation of pads on these lots closer to street elevations.
8. Every effort shall be taken to prevent any sediment from entering adjacent existing pond.  
(see June 17, 2005 memo)

**County Utilities Dept.**

The Clark County Utilities Department has reviewed the final plan set for Northridge Sec. 30, Part A prepared by Hoppes Engineering and Survey Company. The plan set consists of twenty (20) plan sheets. Our review comments for the referenced plan set are attached (and noted below).

Based on our review, we recommend that the final plans for Part A be approved by the Commission as they relate to utilities contingent upon the plans addressing the attached comments. Note that our review and conditional approval of the plans does not preclude future review and comments of the final development plans by the Utilities Department.

CLARK COUNTY UTILITIES DEPARTMENT REVIEW COMMENTS			PROJECT: Northridge Sec. 30 – Part A
			Plan Set Information (20 plan sheets)
			Dated Received: 6-9-05
			Plot Date: 6-7-05
			Prepared By: Hoppes Engineering
			Reviewed By: C. Bauer
Item	Description	Sheet/Pg Ref.	Comment
1	General Construction Notes and Standard Details	Sheet 1/20 - Note 12, Sheet 6/20 – Pavement Restoration Detail, Sheet 8/20 – Water Line Trench Detail and Bedding and Backfilling Note, Sheet 9/20-Trench Detail	A general notes section and standard details for utilities shall be updated to reflect the 2002 edition of the ODOT CMS. Pipe bedding shall be referenced as conforming to ODOT Specification 703.11 Type 3 or approved equivalent. Trench backfill located within 5' of pavement shall conform to ODOT 703.11 Type 1 or 3, or approved equivalent and be placed following ODOT 603.08 and 603.09. Compaction of backfill using flooding will not be allowed.
2	Waterline - mechanical pipe restraint before plugs	2/20, 3/20, 4/20	Indicate on plans the length of pipe in front of plugs that needs mechanically restrained joints. Design restraint length using 150 psi, laying condition 5, with a sand/silt soil condition.
3	8-inch water valve	2/20	Include an 8-inch gate valve on the proposed 8-inch waterline running north into the property from Moorefield Road.
4	Moorefield Road waterline crossing – jack and bore	2/20	Plan to jack-and-bore the 8-inch waterline from the southern to northern side of Moorefield Road. Include appropriate jack-and-bore details on plans.
5	Crandall - Fire Hydrant	3/20	The distance between fire hydrants on Crandall exceeds 500 feet. Add one fire hydrant along this street.
6	Waterline/storm crossing at southern end of Crandall	3/20	Please show waterline on profile.



CLARK COUNTY UTILITIES DEPARTMENT REVIEW COMMENTS			PROJECT: Northridge Sec. 30 – Part A
			Plan Set Information (20 plan sheets)
			Dated Received: 6-9-05
			Plot Date: 6-7-05
			Prepared By: Hoppes Engineering
			Reviewed By: C. Bauer
Item	Description	Sheet/Pg Ref.	Comment
7	AWWA C500 valve note	8/20	Remove double disc metal seated valves (AWWA C500) from the valve specification.
8	Waterline pressure testing	8/20	Pressure testing at 150 psi for 2-hrs shall sdbe maintained at the high point in the section tested.
9	Waterline sizing	NA	Waterline sizes may need to be increased from 8-inches based on hydraulic computer modeling of the development by the Department (currently in process).
10	Ohio EPA Approvals	NA	Ohio EPA approvals for the sewer and water systems are required.

### County Planning

This property is classified by the Clark County Land Use Plan as Medium density residential development (4 to 6 dwellings per acre - gross density) which should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

This plat is the first phase of the PD-M Planned Development - Mixed Use rezoning. We are not aware of the Final PD-M being recorded as required by the Zoning Regulations. This must be accomplished prior to the recording of this plat. The plans as submitted contain verbiage indicating that someone other than the owner is signing the "Acknowledgment Statement". The developer has indicated that he will be purchasing the property before it is recorded and the statement reflects the new owner (the developer), not the current owner.

### Recommendation

The Staff recommends approval of the Final Plans of Northridge No. 30 - Part A subject to addressing the issues/comments of the LIS Dept., Soil Conservation Office, and County Utilities Dept. In addition, the property must be transferred to the new owner prior to Certification by the County Planning Director **OR** the "Acknowledgment Statement" must be changed to reflected the "Owner" of record. Also the Final PD-M Plan must be recorded in the County Recorder's Office prior to Certification by the County Planning Director.

#### Attachments:

County Engineer's Letter

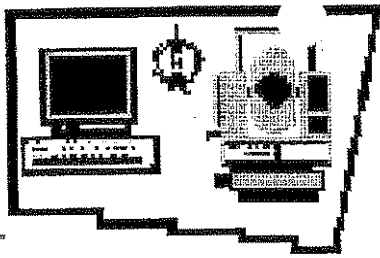
LIS Letter

Soil and Water Conservation District's Letter

County Utilities Dept. Letter

Location Map

Final Plat Map



Clark County  
Engineer's Department  
4075 Laybourne Rd Springfield, Ohio 45505-3613  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyohio.gov/engineer](http://www.clarkcountyohio.gov/engineer)

June 24, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Senior Planner

Re: **SB-2005-6 Northridge Subdivision No. 30 - Part A**  
**Final Review Comments**

Mr. Tritle,

The County Engineer has reviewed the final plan submittal for Northridge No. 30, Part A and finds the plans in general compliance with the Technical Specifications governing subdivision development.

Sincerely,

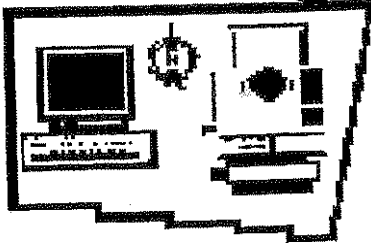
Bruce C. Smith P.E., P.S.  
Clark County Engineer

Kenneth D. Fenton  
Deputy Engineer

K:\Subdivisions\Northridge No. 30\Part A\Co. Planning letter 062405.doc

Donald Boyle - Road Superintendent  
Paul W. DeButy P.E. - Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank - Bridge Superintendent  
Pamela Fulton - Office Assistant

William A. Pierce, P.S. - LIS Director  
Shayne Gray - GIS/CAD Coordinator  
Mark Niccolini - Ditch Maintenance Supervisor  
Lew Richards - Traffic Supervisor  
Ned G. Weber, Deputy Engineer



Clark County  
Engineer's Department  
L.I.S. Department  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

31 N. Limestone St.  
Springfield, Ohio 45501

Office # (937) 328-2726  
Fax # (937) 328-2701

E-Mail  
[lis@co.clark.oh.us](mailto:lis@co.clark.oh.us)

June 23, 2005

Mr. Phil Tritle:

I have reviewed Northridge Subdivision No. 30 Part A (11.340 Acres) for Hoppes Builders and Development Company and have made some comments on the record plan. (P.P. #03-00022-300-037)

Record Plan

- 1) Please move some of the text where it overlaps existing line work or other text and show tic marks along the r/w lines to help in locating the P.C. and P.T. points. Also, please enlarge the symbols for the 5/8" iron bar (set) w/plastic cap. In some places, it is hard to tell what symbol is called for. Would a detail help in displaying this information?
- 2) The property lines containing the adjacent owner's name along with their deed volume and page are missing on the drawing. (See Survey Review Item #8)
- 3) Lot Numbers 2201, 2207, 2230 and 2233 do not close due to the missing tangent bearing along the right-of-way line.
- 4) The description notes this subdivision as being in Section 27, Town 5, and Range 10. This should read being in Section 22, Town 5, and Range 10. Also, the drawing notes the transfer of property to Hoppes Builders and Development Company from M.K. Hufford and Sherri Hufford. This transfer has not taken place yet. Please show the current owner's name along with their deed volume and page.
- 5) Please show the radius width at the end of the cul-de-sac of Crandall Lane.
- 6) In the caption, the plat shows this being a part of the N.E. corner of Section 22, Town 5, and Range 10. This should read being in the southwest corner of Section 22, Town 5, and Range 10.
- 7) The west line of lot #2226 shows a 30' wide easement. This measures 15 foot wide and the number 15' is also shown within this area.
- 8) Please label the 20-foot easement along the south line of Lots 2201 thru 2207.
- 9) The control line for this survey references a tie to the south quarter corner of Section 21, Town 5, and Range 10. This should read the south quarter corner of Section 22, Town 5, and Range 10. Also, is this point at the intersection of Moorefield Road and Middle-Urbana Road? If so, please reference on the plat.

Donald Boyle – Road Maintenance Superintendent  
Paul W. DeButy – Design Engineer  
Doug Frank – Bridge Superintendent  
K. Dean Fenton, P.S., Deputy – Inspections / Permits  
Ned Weber, Deputy – Operations / Maintenance

Bill Pierce, P.S. – LIS Director  
Lisa Massie – Administrative Asst.  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor

**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

June 17, 2005

Mr. Phil Tritle  
Clark County Planning Department  
25 West Pleasant St.  
Springfield, OH 45506

Re: Northridge Sec. 30-Part A~ PD-M~Final  
11.3 acres ~ 33 lots~ Moorefield Rd.

Mr. Tritle,

The Clark Soil & Water Conservation District has reviewed the above plans. There are a number of items/issues to be addressed:

**Previous comments not addressed**

1. The NPDES Phase II Construction Permit was finalized in 2003 and requires additional components to address stormwater in developments. One specific component includes Post-Construction Stormwater Management. An analysis must be completed to address anticipated impacts on downstream channels, floodplain morphology, hydrology and water quality. A combination of both structural and non-structural BMPs should be utilized, such as grassed swales, infiltration trenches and basins, and greenspace. The proposed layout for this site does not include provisions for post-construction stormwater management.
2. Maintenance of Stormwater Facilities and drainage easements - A Request for Assistance should be submitted to place the improvements and easements on Clark County's Ditch Maintenance Program.

**Chapter 4 ~ Planned Development District Requirements and Procedures  
Section A.12. Final PD Plan**

**d) Landscape plan including screening and buffering.** None proposed.

**e) Maintenance/ownership of stormwater facilities.** Mentioned above, comment 2. Existing pond drainage easement to Richard A. and Martha A. Haerr should be transferred to Clark County upon completion and acceptance of NR 30 Part A in order to ensure proper maintenance of stormwater facilities from basin to outlet pipe at Ashley Drive.

Sheet 3

1. Additional details needed on proposed rear yard swale on east side of Crandall. Provide proposed cross sections along stationing. Extend swale to rear of Lot 2201-2207. No stationing provided for rear swale on west side Crandall;
2. No information provided for stabilization of swales entering proposed basin;

Sheet 7

1. Additional basin details needed, elevations, slow release device, outlet protection.

Sheet 20-SWPPP

1. Detention basin details-emergency overflow, outlet structure, slow release device, stabilization at swale entrances.
2. No temporary, permanent seed locations specified or seed specification;
3. Soil stockpile/borrow locations not shown;
4. Temporary construction entrance location not shown or specified;
5. Delineation of soil types on site not shown;
6. Inlet protection and details missing;
7. Estimated quantities missing;
8. Include Individual Lot protection detail;
9. Include matting specifications and locations;
10. Additional details needed if detention basin will also be used as sediment basin during construction.

Other

1. No grading plan submitted
2. No details provided on flow and treatment of water from offsite, specifically from the northwest coming into basin near lot 2216.
3. Request 20' easement along rear of lots 2216-2223;
4. Concerns regarding proposed detention basin remaining wet due to close proximity of existing pond. Seepage of groundwater is likely to take place.
5. No profile or details of proposed 18" storm included with plans;
6. Request easement 20' easement between lots 2211 and 2212.
7. Floor elevations for lot 2215 and 2216 appear to be excessively higher than street. The lot elevations appear to be approximately 16 feet higher than bottom of proposed basin within a very short distance, which becomes a safety concern. Consider lowering elevation of pads on these lots closer to street elevations.
8. Every effort shall be taken to prevent any sediment from entering adjacent existing pond.

Respectfully,

Christine Pence, CPESC  
Urban Coordinator

CC: Hoppes Engineering  
Dean Fenton, County Engineer's Department

# CLARK COUNTY DEPARTMENT OF UTILITIES

Garfield Building  
25 W. Pleasant Street  
P.O. Box 1303  
Springfield, Ohio 45501-1303  
Telephone (937) 328-2493; Fax (937) 328-2616

Alice Godsey, P.E.  
Director of Utilities

Christopher Neary  
Business Systems Manager

June 15, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Mr. Phil Tritle, Senior Planner

Re: Review Comments – Part A  
Final Plans, Northridge Sec. 30,  
Northridge, Ohio


Mr. Tritle,

The Clark County Utilities Department has reviewed the final plan set for Northridge Sec. 30, Part A prepared by Hoppes Engineering and Survey Company. The plan set consists of twenty (20) plan sheets. Our review comments for the referenced plan set are attached.

Based on our review, we recommend that the final plans for Part A be approved by the Commission as they relate to utilities contingent upon the plans addressing the attached comments. Note that our review and conditional approval of the plans does not preclude future review and comments of the final development plans by the Utilities Department.

Please let me know if you have any questions or comments concerning the above or attached.

Sincerely,



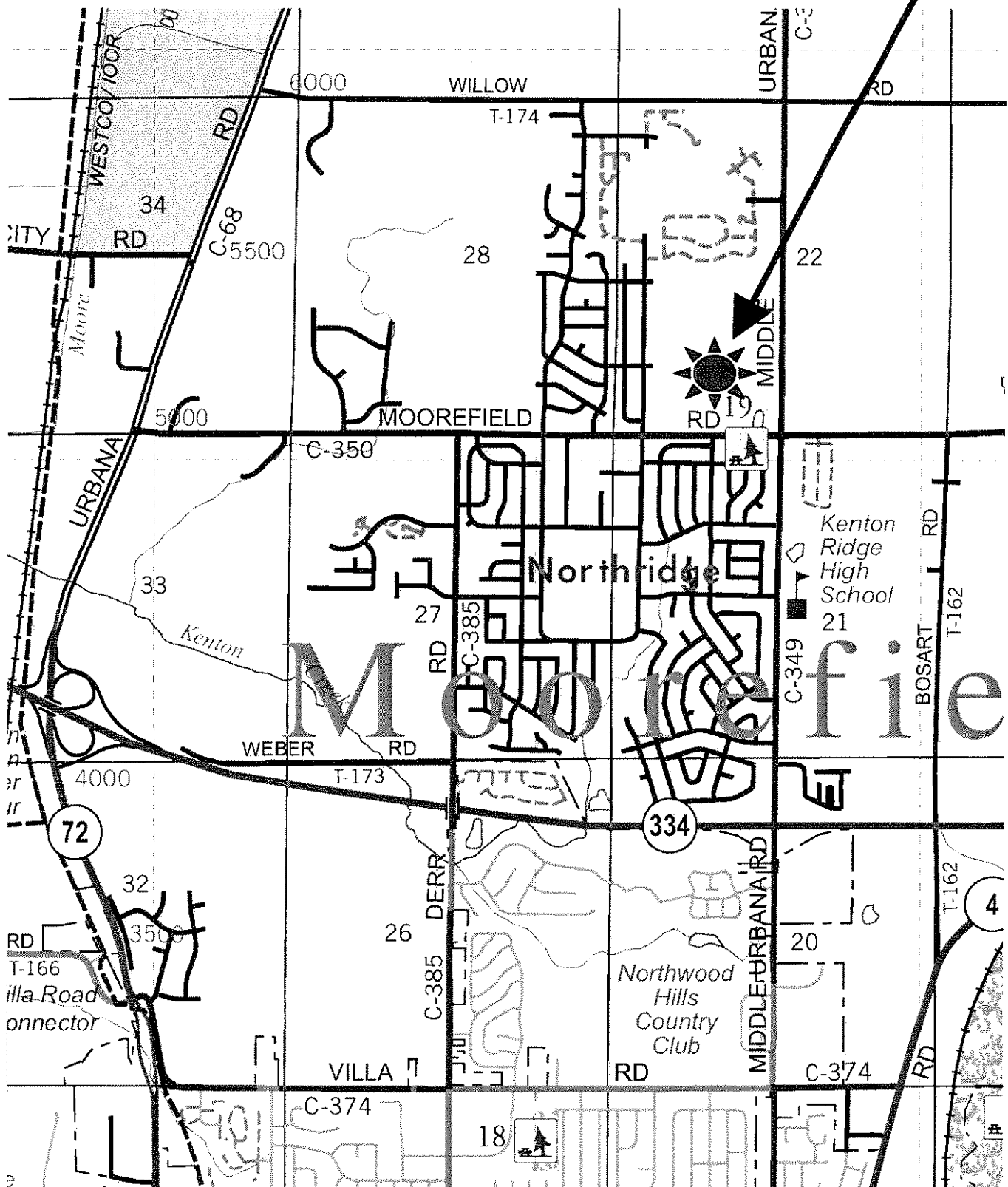
Charles W. Bauer, P.E.  
Deputy Director of Utilities

cc: Director Godsey, email  
Hoppes Engineering and Surveying  
File

Attachment: Review Comments

CLARK COUNTY UTILITIES DEPARTMENT REVIEW COMMENTS			PROJECT: Northridge Sec. 30 – Part A		
			Plan Set Information (20 plan sheets)		Dated Received: 6-9-05
					Plot Date: 6-7-05
					Prepared By: Hoppes Engineering
					Reviewed By: C. Bauer
Item	Description	Sheet/Pg Ref.	Comment		
1	General Construction Notes and Standard Details	Sheet 1/20 - Note 12, Sheet 6/20 - Pavement Restoration Detail, Sheet 8/20 - Water Line Trench Detail and Bedding and Backfilling Note, Sheet 9/20- Trench Detail	A general notes section and standard details for utilities shall be updated to reflect the 2002 edition of the ODOT CMS. Pipe bedding shall be referenced as conforming to ODOT Specification 703.11 Type 3 or approved equivalent. Trench backfill located within 5' of pavement shall conform to ODOT 703.11 Type 1 or 3, or approved equivalent and be placed following ODOT 603.08 and 603.09. Compaction of backfill using flooding will not be allowed.		
2	Waterline - mechanical pipe restraint before plugs	2/20, 3/20, 4/20	Indicate on plans the length of pipe in front of plugs that needs mechanically restrained joints. Design restraint length using 150 psi, laying condition 5, with a sand/silt soil condition.		
3	8-inch water valve	2/20	Include an 8-inch gate valve on the proposed 8-inch waterline running north into the property from Moorefield Road.		
4	Moorefield Road waterline crossing - jack and bore	2/20	Plan to jack-and-bore the 8-inch waterline from the southern to northern side of Moorefield Road. Include appropriate jack-and-bore details on plans.		
5	Crandall - Fire Hydrant	3/20	The distance between fire hydrants on Crandall exceeds 500 feet. Add one fire hydrant along this street.		
6	Waterline/storm crossing at southern end of Crandall	3/20	Please show waterline on profile.		
7	AWWA C500 valve note	8/20	Remove double disc metal seated valves (AWWA C500) from the valve specification.		
8	Waterline pressure testing	8/20	Pressure testing at 150 psi for 2-hrs shall sdbbe maintained at the high point in the section tested.		
9	Waterline sizing	NA	Waterline sizes may need to be increased from 8-inches based on hydraulic computer modeling of the development by the Department (currently in process).		
10	Ohio EPA Approvals	NA	Ohio EPA approvals for the sewer and water systems are required.		

# LOCATION MAP



**NORTHBRIDGE No. 30, Part A - Final Plat**





## Rezoning Case # Z-2005-3

To: Clark County Planning Commission	Date of Meeting: July 6, 2005
From: Planning Staff	Date of Report: June 28, 2005

**Applicant:** White Oak Communities / Creekside Communities

**Request Action:** Rezone **from - R-2** (Low Density Single-Family Residence District)  
**to - PD-R** (Planned Development [Residential] District)

**Purpose:** To develop a Planned Condominium Community

**Location:** 7689 Dayton-Springfield Rd.

**Size:** 14.837 Acres

**Existing Land Use:** Agriculture (undeveloped)

### Surrounding Land Use and Zoning:

	Land Use	Zoned
North	Commercial & Condos	B-2, B-1S, PUD, PCD & B-3
South	Residential & Agriculture	A-1 (Agricultural) & R-2
East	Agriculture	A-1 (Agricultural)
West	Residential	R-2 (Low Density Residence)

### ANALYSIS

This area was zoned R-2 (Low Density Residence) in 2001. In 2000, this area was requested to be rezoned to R-4 (Multiple-Family Residence) District but was withdrawn.

## **REPORTS FROM OTHER AGENCIES**

### *County Engineer*

The County Engineer has reviewed the zoning application submitted for Creekside Condominiums, relative to the street layout/drainage system and offer the following comments relative to Chapter 4, Section A Paragraph 4;

- 1) Physical characteristic of the site indicate portions are located within the 100-year floodplain for Mud Run, as determined by FEMA. According to Community Panel 390732 0280 A, the base flood elevation at this location is 872. Based upon the topographic survey provided by the applicant, unit # 10 is entirely in the floodplain and approximately ¼ of unit 13 is located within floodplain limits.

- 2) Direct access to a major Street is required, where the development density exceeds 4 units per acre. This plan indicates 5.77 units per acre. There is no existing major street, which provides access to the proposed development, although the plan does show a proposed public road being planned from Dayton Road south and extending approximately 1400 feet.
- 3) Provisions for vehicular traffic are addressed by proposing a private street system, consisting of an uncurbed street with open side ditches. A curbed street section would be more conducive in this type of development and would also permit the free flow of pedestrian traffic. Recommend a different pavement section for the internal streets.
- 4) The proposed public street must be included in the plat process, in order to dedicate the improvements to the county. The Street typical proposed is a standard residential collector street section, except without the walk. The collector design standards may be suitable, but the asphalt course thickness may need to be increased to the proposed density and future development. There is no street lighting proposed.
- 5) Concerning drainage & stormwater requirements, it is unclear whether the two areas designated for storage contain sufficient area and volume for the anticipated storage volumes. Graded shallow swales and additional catch basin inlets may be required to collect storm runoff near the common drive/road intersection locations and rear yard areas.

The County Engineer has no objection to the proposal to rezone 14.837 acres from R-2 to PD-R Planned Development Residential, provided their plans are modified to address the above concerns. (See June 14, 2005 letter)

### ***Soil Conservation***

The Clark Soil & Water Conservation District has reviewed the above request and provided the following comments regarding soils, drainage and stormwater management.

Soil types on this site include Eldean (EmA), which are nearly level and well drained. Soil limitations for dwellings with or without basements are rated Slight-Moderate due to shrink/swell. Because sewer and water is available, the Soil Potential Index ratings are not included.

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. The NPDES Phase II Construction Permit was finalized in 2003 and requires additional components to address stormwater in developments. One specific component includes Post-Construction Stormwater Management. A combination of both structural and non-structural BMPs should be utilized, such as grassed swales, infiltration trenches and basins, and greenspace. It is recommended that a "preliminary SWPPP" be provided to our office for review prior to submittal of final plans to County Planning.

### **Chapter 4 ~ Planned Development District Requirements and Procedures**

#### **Section A. 6 Criteria for Approval.**

**e) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved unless left in a natural state.** Previous recommendations from the Planning Commission included the installation of an earthen mound landscaped buffer along Hunters Glen Subdivision to provide a vegetative screen.

**h) That commons areas and open space will be managed and maintained for the long term.** Specify how the open areas, specifically along Mud Run will be maintained. Although plans have indicated that the floodplain will be left undisturbed, additional information is needed regarding ownership and maintenance of the area.

### Section A. 8. Preliminary PD Plan

**6) Location and type of drainage and storm water management facilities.** Sheet 1 of 2 indicates a proposed detention/infiltration area on the southeast side of the condo entrance. Plans submitted previously for the Discount Drug Mart site just northwest of this site indicate the construction of a drainage ditch/swale along the northside of proposed Hunter Drive to Mud Run. This area is not indicated on the condo plans, and it appears that condos 1,2,13,14,15,16 will encroach on the proposed drainage area.

**10) Location and size of proposed open space, and whether it is to be used for active recreational purposes or only as an environmental amenity.** Specify how the open areas, specifically along Mud Run will be maintained. Although plans have indicated that the floodplain will be left undisturbed, additional information is needed regarding ownership and maintenance of the area.

This office does not object to the proposed zoning request, providing the above items are addressed.  
(See June 14, 2005 letter)

### *County Utilities Department*

The Clark County Utilities Department has reviewed the preliminary plan set for Creekside Condominiums prepared by Buckeye Civil Design, LLC. The plan set consists of two (2) plan sheets. Our review comments for the referenced plan set are attached.

Based on our review, we recommend that the Commission approve the preliminary plans as they relate to utilities contingent upon the plans addressing the attached comments and the property being re-zoned. Note that our review and conditional approval of the plans does not preclude future review and comments of the final development plans by the Utilities Department. (See June 15, 2005 letter)

CLARK COUNTY UTILITIES DEPARTMENT REVIEW COMMENTS			PROJECT: Creekside Condominiums	
			Plan Set Information (2 plan sheets)	Dated Received: 6-9-05
				Plot Date: 5-18-05
				Prepared By: Buckeye Civil Design
				Reviewed By: C. Bauer
Item	Description	Sheet/Pg Ref.	Comment	
1	Extension of waterline along Hunter Drive	1 of 2	Extension of a 12-inch diameter public waterline will be required from Dayton-Springfield Road to the southern terminus of Hunter Drive. An 8-inch waterline will also be required from the 12-inch line on Hunter road to interior condominium waterline loop.	
2	Water/sewer lines	1 of 2	Clarify if the proposed utilities within the condominiums are intended to be public or private.	
3	Water/sewer capacity	NA	There is adequate sewer and water system capacity for the proposed development. The Department will present a summary of system capacities as they relate to this project under separate cover.	
4	Ohio EPA Approvals	NA	Ohio EPA approvals for the sewer and water systems are required.	

### *Combined Health District*

No report - development on public sewer & water

### ***Mad River Township Planning Committee***

This proposal does not meet the requirements of the Clark County Crossroads Comprehensive Land Use Plan, and therefore the Mad River Township Planning Committee recommends denial of the project. (See June 20, 2005 letter)

### ***Mad River Township Trustees***

The Mad River Township Trustees have reviewed the memoranda from the Mad River Township Planning Committee pertaining the proposal regarding the . . . "Creekside" property. We concur with their comments and recommendations. (See June 20, 2005 letter)

### ***Planning Department***

The Clark County Comprehensive Plan identifies this area as Medium density residential development (4 to 6 dwellings per acre - gross density) and should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

The reports above indicate that there are items that need to be addressed. The applicant has forwarded a letter to us outlining their response to most of the issues - see June 27<sup>th</sup> letter from Scott Owens.

We have received a letter from a surrounding property owner which is included with this report.

The PD-R plan shows a development consisting of 18 four-unit (72 units) condos buildings with a clubhouse and pool. In accordance with Chapter 4, Section B., 4., ©), the density is calculated on the buildable acreage (gross acreage less public and/or private street right- of-way, flood plain, etc.) divided by the minimum lot size (square footage) for the allowed "R" Zoning District. Density should be in accordance with the comprehensive plan. We have calculated a maximum density of 65 units based on the buildable acreage of 10.8 acres X 6 units (Comprehensive Plan of 4 to 6 units per acre) -  $10.8 \times 6 = 65$ . There are several main issues which must be addressed - the flood plain limit and screening/landscaping along the proposed Hunter Drive.

## **RECOMMENDATION**

---

Although the Planning Staff has no issues with the concept, we cannot make a recommendation for "approval" or "denial" at this time as we need additional information from the applicant. It appears that they may have needed information by meeting time.

#### Attachments:

PD Table

County Engineer's letter

Soil Conservation District's letter

Mad River Township Planning Committee letter

Mad River Township Trustee's letter

Surrounding Property Owner letter

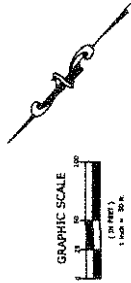
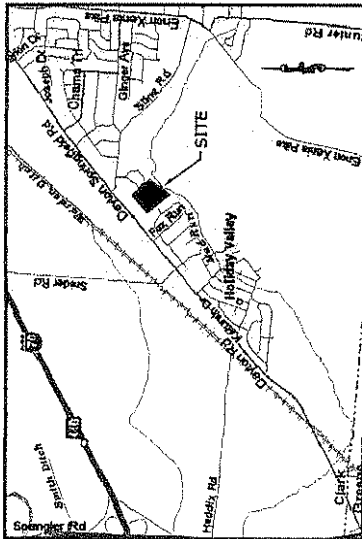
Scott Owens letter

Location Map

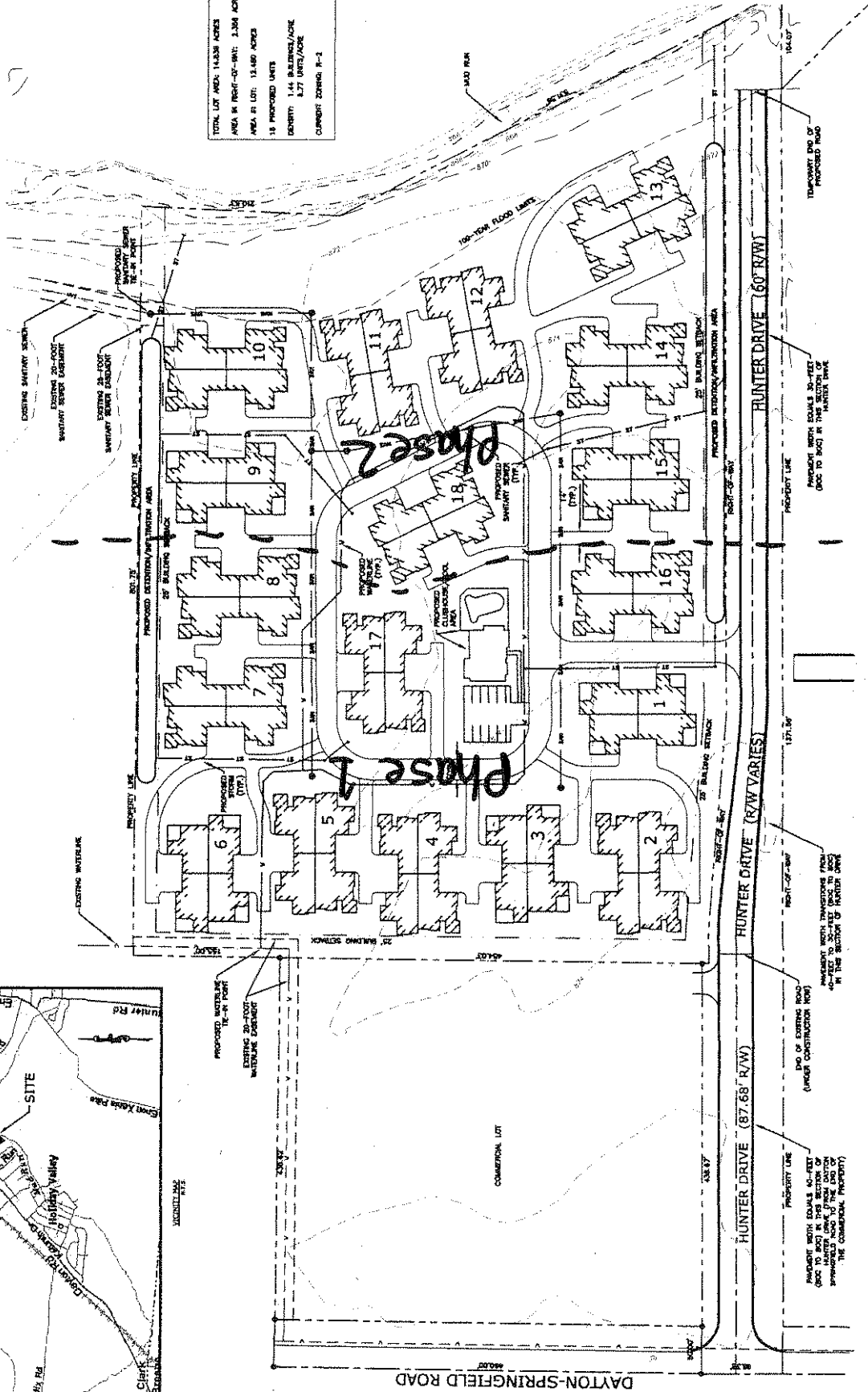
Zoning Map

Exhibit G

# CREEKSIDE CONDOMINIUMS MAD RIVER TOWNSHIP CLARK COUNTY, OHIO



TOTAL LOT AREA: 14,338 ACRES
AREA IN PHASE 1: 3,304 ACRES
AREA IN LOT: 13,480 ACRES
18 PROPOSED UNITS
1.44 BUILDING/ACRE
8.77 UNITS/ACRE
CURRENT ZONING: P-1



BUCKEYE CIVIL DESIGN, LLC  
P.O. Box 283  
North Lima, Ohio 44452  
Phone 330-549-9051  
Fax 330-549-9053

PREPARED BY:  
NEWTON SQUARE COMPANY  
CLARK COUNTY, OHIO 44406  
P.O. Box 9  
C/O DAVE SMITH

REVISIONS	
1	
2	
3	
4	
5	

DESIGNED BY: HCS  
CHECKED BY: HCS  
DATE: 05-18-05  
JOB NUMBER: 05-0024  
DRAWN FILE: 0024-0000.dwg

CREEKSIDE CONDOMINIUMS  
PRELIMINARY  
CLARK COUNTY, OHIO  
MAD RIVER TOWNSHIP  
"PLANNED DEVELOPMENT"

SCALE  
1" = 50'  
SHEET NUMBER  
1 OF 2

JUN 6 2007  
CLARK CO. PLANNING

Planned Development Condominium  
White Oak Communities

Written Development Plan

1. Existing and proposed uses.

The planned development is proposed for Clark County, Mad River Township, Ohio Section 12, Township 3, Range 8 consisting of 14.837 acres more or less. Currently, the parcel is used for agricultural purposes and we propose to develop a planned condominium community consisting of 72 units with clubhouse and pool.

2. Topographic contours at two (2) foot intervals or less on the PD property and within two hundred (200) feet of the proposed development.

The parcel has changes in elevation less than two feet over the portion available for development. Adjacent property is already developed and has limited changes in elevation.

3. Location of floodplain and wetlands on the PD property and adjacent thereto.

A flood zone encompassing Mud Run lies on the southern boundary and would be undisturbed. No wetlands have been identified on the parcel to be developed.

4. Location of existing and proposed streets, including points of connection.

A stub street off Dayton Springfield Road, designated as Hunter Drive, has been approved for access to the parcel and will be installed simultaneously with the development of a shopping center by One Enon Company on a commercial lot to the north. This street would be continued to Mud Run and dedicated to Clark County, built to county standards. A singular, private access for the condominium would be established off this roadway. A private drive would service the condominium and be maintained by the association.

5. Location of existing and proposed utilities, including points of connection.

An 8" waterline runs along the northeast boundary of the parcel and would be extended for use with the condominium. Water would be purchased from Clark County and supplied from the Village of Enon. An existing sewer manhole is located along the southeast corner of the parcel contributing to the Southwest Waste Treatment Facility.

6. Location and type of drainage and storm water management facilities.

Two areas of detention are designated along the eastern most and western most boundaries of the property. These areas would use a controlled release into Mud Run.

JUN 6 2005

CLARK CO. PLANNING

7. Approximate number of structures, by type and use and size, proposed for the planned development.

The development would include eighteen (18) condominium buildings with four (4) units each for residential living. One clubhouse and one pool would be included for common use.

8. Non-residential uses. N/A

9. Proposed general arrangement of the buildings.

Buildings would be clustered around the private street as shown on the layout exhibit.

10. Location and area (size) of proposed open spaces either to be held in common or publicly, and whether it is to be used for active recreational purposes or only as an environment amenity.

Limited common areas would be designated outside each unit for the primary use of that particular resident. The balance of the parcel not occupied by residential buildings would be common space for the recreational benefit of all condominium residents.

11. Sketches to show the general architectural design of buildings, types and character of the development.

Creekside condominium would consist of two distinct building styles and four unique floor plans. The European design uses stone fronts, brick soldiers around round top windows shown on the elevation drawings included.

12. Legal description of the tract of land for the planned development.

See attached Exhibit B.

13. Parking provisions.

Each condominium unit will include a 2-car garage with 2 additional spaces off-street. The private street through the development will be wide enough for parking on one side. Appropriate parking will be provided for clubhouse use.

14. Loading facilities, if any.

N/A

15. Proposed landscaping approach.



Each unit would be landscaped with small bushes and assorted perennials. Street trees and a landscaped entry feature would be incorporated and any unoccupied area remaining would be grassed.

16. Such other information as is necessary to ascertain compliance with the requirements of this chapter.

Proposed Bylaws for condominium owners have been included illustrating the code of regulations for each homeowner.

17. An overview of existing and planned uses in surrounding area and expected impact of the proposed development on them.

North: Commercial Shopping Center. Given planning in place and cooperation of developers, no impact would be expected considering close timing of developments.

East: Condominium Development. The buildings will differ slightly and the condominium communities will be independent of one another making for harmonious neighbors.

South: Agricultural. Current agricultural use will be separated by Mud Run and be unaffected.

West: Single Family Residential. Joint access is not planned resulting in no impact.

18. General description of natural features of the site (trees, vegetation, floodplain, wetlands, streams) and approach for preserving and protecting them during construction and final build out.

The parcel is vacant with no natural features. Mud Run and its associated floodplain will not be disturbed and general NPDES regulations will be adhered to.

19. Proposed timetable for development including general description and diagram of phases of development.

Development will be broken into two phases (see Exhibit G). Build out for each phase would be expected to be two years for a total timetable of four years.

BYLAWS  
(Code of Regulations)  
OF  
THE VILLAS AT CREEKSIDE CONDOMINIUM ASSOCIATION

JUN 6 2005  
CLARK CO. PLANNING

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**BYLAWS**  
**(Code of Regulations)**  
**OF**  
**THE VILLAS AT CREEKSIDE COMDOMINIUM ASSOCIATION**

**ARTICLE I**

**NAME AND LOCATION**

The name of the Association is The Villas at Creekside Condominium Association, ("the Association"), which corporation, not-for-profit, is created pursuant to the provisions of Chapter 1702 of the Revised Code of Ohio, and which Association is also created pursuant to the provisions of Chapter 5311 of the Revised Code of Ohio as the unit owners' association for The Villas at Creekside Condominium. The principal office of the Association shall be as set forth in its Articles of Incorporation ("the Articles"), and the place of meetings of Unit owners (members) and of the Trustees (Board of Managers) of the Association shall be at such place in the county in which the Condominium Property is located as the Board of Trustees ("the Board"), may from time to time designate.

**ARTICLE II**

**DEFINITIONS**

All of the terms used herein shall have the same meanings as set forth in the Declaration of Condominium, ("the Declaration"), recorded simultaneously herewith the Recorder of Clark County, Ohio.

**ARTICLE III**

**UNIT OWNERS (MEMBERS)**

Section 1. Composition. Each Unit owner, as defined in the Declaration, is a member of the Association.

Section 2. Annual Meetings. Regular annual meetings of the Unit owners shall be held in the second calendar quarter of each year hereafter, on a date and at an hour established, from time to time, by the Board, provided, that, in any event, there shall be no more than fourteen (14) months between annual meetings of the members.

Section 3. Special Meetings. Special meetings of the Unit owners may be called at any time by the president or by the Board, or upon written request of Unit owners entitled to exercise one-fourth (1/4) or more of the voting power of Unit owners, and when required by the Condominium Act.

Section 4. Notice of Meetings. Written notice of each meeting of Unit owners shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least five days before such meeting, to each Unit owner entitled to vote at such meeting, addressed to the Unit owner's address last appearing on the books of the Association, or supplied by such Unit owner to the Association for the purpose of notice, or by delivering a copy of that notice at such address at least five (5) days before the meeting. The notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the specific purposes of the meeting, and, in the case of special meetings called by the petition and written request of Unit owners, the specific motion or motions (other than procedural) to be voted upon.

Section 5. Conduct of Meetings. All meetings of the members shall be conducted by the Board and presided over by the president of the Association, or as otherwise directed by the Board.

Section 6. Quorum; Adjournment. The Unit owners present, in person or by proxy, at any duly called and noticed meeting of Unit owners, shall constitute a quorum for such meeting. Unit owners entitled to exercise a majority of the voting power of Unit owners represented at a meeting may, at any time, adjourn such meeting. If

any meeting is so adjourned, notice of such adjournment need not be given if the time and place to which such meeting is adjourned are fixed and announced at such meeting.

**Section 7. Voting Rights.** Each Unit owner shall be entitled to one vote for each Unit owned in fee simple, and, in the case of a Unit owned by more than one person, a proportionate part of a vote for ownership of an undivided fee simple interest in that Unit, provided, that unless timely challenged by an owner of a fee simple interest in a Unit, any owner of a fee simple interest in that Unit may cast the entire vote with respect to the Unit. The Board, from time to time, may suspend the right of a member to vote with respect to his, her, or its Unit for failure to pay assessments when due, or for failure to observe other of the terms hereof, the Declaration, or rules and regulation of the Association, pursuant to rules and regulations duly adopted by the Board from time to time.

**Section 8. Voting Power.** Except as otherwise provided in the Condominium organizational documents, or by law, a majority of the voting power of Unit owners voting on any matter that may be determined by the Unit owners at a duly called and notice meeting shall be sufficient to determine that matter. The rules of Roberts Rules of Order shall apply to the conduct of all meetings of Unit owners except as otherwise specifically provided in the Condominium organizational documents or by law.

**Section 9. Proxies.** At any meeting of Unit owners, a Unit owner may vote in person or by proxy. All proxies shall be in writing and filed with the secretary prior to the meeting. A telegram or cablegram appearing to have been transmitted by a Unit owner, or a photographic, photostatic, or equivalent reproduction of a writing, appointing a proxy, is a sufficient writing. Every proxy shall be revocable and shall automatically cease upon conveyance by a Unit owner of his, her or its Unit, and, in any event, shall not be valid after the expiration of eleven months after it is made unless it specifies the date on which it is to expire or the length of time it is to continue in force.

**Section 10. Action in Writing Without Meeting.** Any action that could be taken by Unit owners at a meeting may be taken without a meeting with the affirmative vote or approval, in a writing or writings, of Unit owners or their proxies having not less than seventy five percent (75%) of the voting power of Unit owners, or such greater proportion of the voting power as may be required by the Condominium organizational documents, or by law.

#### ARTICLE IV

##### **BOARD OF TRUSTEES: (BOARD OF MANAGERS)**

**Section 1. Initial Trustees.** The initial trustees shall be those three persons named as the initial Trustees in the Articles, or such other person or persons as may from time to time be substituted by the Declarant.

**Section 2. Successor Trustees.** No later than the time that Units to which twenty-five percent (25%) of the undivided interests in the common Areas appertain have been sold and conveyed by the Declarant, the Unit owners shall meet, and the Unit owners other than the Declarant shall elect one Trustee at such meeting to replace whichever Trustee Declarant designates. Within the earlier of (a) five years from the date of the establishment of the Association, and (b) thirty (30) days after the sale and conveyance, to purchasers in good faith and for value, of Units to which seventy-five percent (75%) of the undivided interests in the Common Areas appertain, the Association shall meet and all Unit owners, including the Declarant, shall elect six Trustees to replace all of those Trustees earlier elected or designated by the Unit owners or Declarant, respectively. The terms of the six Trustees shall be staggered so that the terms of one-third (two) of the Trustees will expire and successors will be elected at each annual meeting of the Association. Thereafter, at such annual meetings, successors to the two Trustees whose terms then expire shall be elected to serve three-year terms. Notwithstanding the foregoing, the Unit owners, by the vote of Unit owners exercising not less than a majority of the voting power of Unit owners, may, from time to time, change the number and terms of Trustees, provided, that in any such event the terms of not less than one-third of the Trustees shall expire annually. For purposes of computing undivided interests pursuant to the foregoing, those interests shall be computed by comparing the number of Units sold and conveyed to the Maximum number of Units (80) that may be in the Condominium. Notwithstanding the foregoing, Declarant shall have the right at any time to waive its right to select one or more Trustees or to vote in an election of Trustees.

**Section 3. Removal.** Excepting only Trustees named in the Articles or selected by Declarant, any Trustee may be removed from the Board with or without cause, by the holders of not less than seventy-five percent of the voting power of Unit owners. In the event of the death, resignation or removal of a Trustee other than one named in

the Articles or substituted selected by the Declarant, that Trustee's successor shall be selected by the remaining members of the Board and shall serve until the next annual meeting of Unit owners, when a Trustee shall be elected to complete the term of such deceased, resigned or removed Trustee. In the event of removal of all Trustees, the Unit owners shall, at the meeting at which all Trustees are removed, elect Trustees to complete the terms of the removed Trustees. Declarant shall have the sole right to remove, with or without cause, any Trustee designated in the Articles, or a substitute selected by the Declarant, and select the successor of any Trustee so selected who dies, resigns, is removed or leaves office for any reason before the election of Trustees by all of the Unit owners as provided in the Declaration.

Section 4. Qualification. To qualify for nomination, election or appointment as a Trustee (other than by Declarant), the prospect must be an individual who is a Unit owner or a designated officer of an entity that is a Unit owner, and such Unit owner must not then be delinquent in the payment of any obligation to the Association, or then be an adverse party to the Association, or its Board or any member thereof (in that member's capacity as a Board member) in any litigation involving one or more of those parties.

Section 5. Nomination. Nominations for the election of Trustees to be elected by the Unit owners shall be made by a nominating committee appointed by the Board, or, if the Board fails to appoint a nominating committee, by the Board itself. Nominations may also be made from the floor at the meetings. The nominating committee, or Board, shall make as many nominations for election to the Board as it shall, in its discretion, determine, but no fewer than the number of vacancies that are to be filled.

Section 6. Election. Unless there are no more nominees than vacancies, election to the Board by the Unit owners shall be by secret written ballot. At such elections, the Unit owners or their proxies may cast, in respect to each vacancy, such number of votes as they are entitled to under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected, and, likewise, those receiving the largest number of votes shall be elected to the longest terms. In cases of ties, the winner shall be determined by lot. Cumulative voting is not permitted.

Section 7. Compensation. Unless otherwise determined by the Unit owners at a meeting duly called and noticed for such purpose, no Trustee shall receive compensation for any service rendered to the Association as a Trustee. However, any Trustee may be reimbursed for his or her actual expenses incurred in the performance of duties.

Section 8. Regular Meetings. Regular meetings of the Board shall be held on such dates and at such places and times as may be fixed from time to time by resolution of the Board, but not less than quarterly.

Section 9. Special Meetings. Special meetings of the Board shall be held when called by the president of the Board, or by a majority of the Trustees, after not less than three days notice to each Trustee.

Section 10. Quorum. The presence at any duly called and noticed meeting of Trustees entitled to cast a majority of the voting power of Trustees, in person and/or by participation by means of communications equipment if all persons participating can hear each other and participate, shall constitute a quorum for such meeting.

Section 11. Voting Power. Each Trustee shall be entitled to a single vote, and, except as otherwise provided in the Condominium organizational documents, or by law, vote of a majority of the Trustees voting on any matter that may be determined by the Board at a duly called and noticed meeting at which a quorum is present, in person or by participation as provided in Section 10, above, shall be sufficient to determine that matter.

Section 12. Action in Writing Without Meeting. Any action that could be taken by the Board at a meeting may be taken without a meeting with the affirmative vote or approval, in a writing or writings, of all of the Trustees.

Section 13. Powers of Authority. The Board shall exercise all powers and have all authority, under law, and under the provisions of the Condominium organizational documents, that are not specifically and exclusively reserved to the Unit owners by law or by other provisions thereof, and without limiting the generality of the foregoing, the Board shall have the right, power and authority to:

- (a) take all actions deemed necessary or desirable to comply with all requirements of law, and the condominium organizational documents;

- (b) obtain insurance coverage no less than that required pursuant to the Declaration;
- (c) enforce the covenants, conditions and restrictions set forth in the Declaration;
- (d) repair, maintain and improve the Common Areas;
- (e) establish, enforce levy and collect assessments, late fees, delinquent interest, and such other charges as are provided for in the Declaration;
- (f) adopt and publish rules and regulations governing the use of the Common Areas and the personal conduct of Unit owners, occupants and their guests thereon, and establish and levy enforcement charges for the infractions thereof;
- (g) suspend the voting rights of a Unit owner during any period in which such Unit owner shall be in default in the payment of any charge levied by the Association (such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for each infraction of published rules and regulations or of any provisions of the Condominium organizational documents);
- (h) declare the office of a member of the Board to be vacant in the event such Trustee shall be absent from three consecutive regular meetings of the Board;
- (i) subject to such approvals, if any, as may be required pursuant to the provisions of Condominium organizational documents, authorize the officers to enter into one or more agreements necessary or desirable to fulfill the purposes and objectives of the Association, including, without limitation, management agreements, purchase agreements and loan documents, all on such terms and conditions as the Board in its sole and absolute discretion may determine;
- (j) cause funds of the Association to be invested in such reasonable investments as the Board may from time to time determine;
- (k) borrow funds, as needed, and pledge such security and rights of the Association as might be necessary or desirable to obtain any such loan; and
- (l) do all things and take all actions permitted to be taken by the Association by law, or the Condominium organizational documents not specifically reserved thereby to others.

Section 14. Duties. It shall be the duty of the Board to:

- (a) cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the Unit owners at each annual meeting of Unit owners, or at any special meeting when such statement is requested in writing by Unit owners representing one-half (1/2) or more of the voting power of Unit owners;
- (b) supervise all officers, agents and employees of the Association and see that their duties are properly performed;
- (c) cause an annual budget to be prepared;
- (d) as more fully provided in the Declaration, to establish, levy, enforce and collect assessments;
- (e) issue, or cause an appropriate representative to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid;
- (f) procure and maintain insurance and bonds as provided in the Declaration, and as the Board deems advisable;
- (g) cause the property subject to the Association's jurisdiction to be maintained within the scope of authority provided in the Declaration;

- (h) cause the restrictions created by the Declaration to be enforced; and
- (i) take all other actions required to comply with all requirements of law and the Condominium organizational documents.

Section 15. Delegation of Authority; Management; Contracts. The Board may delegate all or any portion of its authority to discharge its responsibilities to a managing agent. This delegation of authority and responsibility to a managing agent may be evidenced by one or more management contracts which may provide for the payment of reasonable compensation to such managing agent as a common expense, provided, however, that any agreement for professional management shall be terminable by the Association for cause on thirty (30) days' written notice; shall be terminable by either party without cause and without penalty, on written notice of ninety (90) days or less; shall not exceed one year unless renewed by agreement of the parties for successive one-year periods; and shall be bona fide and commercially reasonable at the time entered into under the circumstances then prevailing, provided that, in the case of any professional management contract entered into before control of the Association is vested in Unit owners other than Declarant, the contract must give the Association the right to terminate it without cause and without penalty at any time after control of the Association has been transferred to or assumed by Unit owners other than Declarant. Subject to the foregoing, nothing contained herein shall preclude Declarant, or any other entity designated by Declarant, from being employed as managing agent. The managing agent, or the Board, if there is no managing agent, shall have the authority to enter into contracts with Declarant or an affiliate of Declarant, as defined by an institutional first mortgagee or an agency or organization which purchases or insures first mortgages, for goods, services, or for any other thing, including, without limiting the generality of the foregoing, contracts for the providing of maintenance and repair services, provided the same are bona fide and commercially reasonable to the Unit owners at the time entered into under the circumstances then prevailing. In any case, no agreement by the Association executed prior to the transfer to or assumption of the Association by Unit owners other than Declarant shall extend more than one year subsequent to that transfer or assumption of control unless renewed by vote of Unit owners pursuant to the provisions of the Bylaws.

## ARTICLE V

### OFFICERS

Section 1. Enumeration of Officers. The officers of this Association shall be a president, a secretary, a treasurer and such other officers as the Board may from time to time determine. No officer other than the President need be a member of the Association, nor need any officer be a Trustee. The same person may hold more than one office.

Section 2. Selection and Term. Except as otherwise specifically provided in the Declaration or by law, the officers of the Association shall be selected by the Board, from time to time, to serve until the Board selects their successors.

Section 3. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

Section 4. Resignation and Removal. Any officer may be removed from office, with or without cause, by the Board. Any officer may resign at any time by giving written notice to the Board, the president, or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and the acceptance of such resignation shall not be necessary to make it effective.

Section 5. Duties. The duties of the officers shall be as the Board may from time to time determine. Unless the Board otherwise determines, the duties of the officers shall be as follows:

- (a) President. The president shall preside at all meetings of the Board, shall have the authority to see that orders and resolutions of the Board are carried out, and shall sign all legal instruments on behalf of the Association.
- (b) Secretary. The secretary shall record the votes and keep the minutes and proceedings of meetings of the Board and the Unit owners, serve notice of meetings of the Board and of the Unit owners, keep appropriate current records showing the names of Unit owners of the Association together with their



addresses, and shall act in the place and stead of the president in the event of the president's absence or refusal to act.

- (c) Treasurer. The treasurer shall assume responsibility for the receipt and deposit in such bank accounts, and investment of funds in such vehicles, as the Board directs, the disbursement of such funds as directed by the Board, the keeping of proper books of account, the preparation of proposed annual budget and a statement of expenditures to be presented to the Unit owners at annual meetings, and the delivery or mailing of a copy of each to each of the Unit owners.

## ARTICLE VI

### COMMITTEES

The Board shall appoint a nominating committee and may appoint such other committees as it deems appropriate in carrying out its purposes.

## ARTICLE VII

### BOOKS AND RECORDS

The books, records and financial statements of the Association, including annual audited financial statements when such are prepared, shall be available during normal business hours or under other reasonable circumstances, upon request to the Association, for inspection by Unit owners and the holders, insurers and guarantors of first mortgages on Units. Likewise, during normal business hours or under other reasonable circumstances, the Association shall have available for inspection by Unit owners, holders, insurers and guarantors of first mortgages on Units, and prospective purchasers, current copies of the Condominium organizational documents and the rules and regulations governing operation of the Condominium.

## ARTICLE VIII

### AUDITS

The Board shall cause the preparation and furnishing of an audited financial statement for the immediately preceding fiscal year, within a reasonable time following request (provided that no such statement need be furnished earlier than one hundred twenty (120) days following the end of such fiscal year), in the following circumstances:

1. to each requesting Unit owner, at the expense of the Association, upon the affirmative vote of Unit owners exercising a majority of the voting power of Unit owners;
2. to each holder, insurer, or guarantor of a first mortgage upon a Unit who requests the same, in writing, provided the audit, if an audited statement is not already available, shall be prepared at the expense of such requesting party; and
3. during such time, if any, as the Condominium contains fifty (50) or more Units, to each holder, insurer or guarantor of a first mortgage on a Unit who makes written request therefor, at the expense of the Association.

## ARTICLE IX

### FISCAL YEAR

Unless otherwise changed by the Board, the fiscal year of the Association shall begin on the first day of January and end on the 31<sup>st</sup> day of December of every year, except that the first fiscal year shall begin on the date of incorporation of this Association.

## ARTICLE X

### AMENDMENTS

Any modification or amendment of these Bylaws shall be made only by means of an amendment to the Declaration, in the manner and subject to the approvals, terms and conditions set forth therein, and shall be effective from the time a certificate setting forth such modification or amendment is delivered for recording to the Recorder of the county in which the Condominium is located.

IN TESTIMONY WHEREOF, the undersigned the sole member of the Association, has caused these Bylaws to be duly adopted on or as of the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Newton Square Company LLC.

By: \_\_\_\_\_

D. Scott Owens, Secretary-Treasurer

Sole Member

**CHAPTER 4 PLANNED DEVELOPMENT DISTRICT REQUIREMENTS AND PROCEDURES****Section A PD Planned Development Districts  
Requirements and Procedures**

1. Intent. The intent of the Planned Development Districts is to establish a zoning procedure for the development of areas on a planned basis in accordance with an overall Development Plan and specific procedures for site plan review and approval. In addition, it is proposed to be flexible in the regulation of basic land planning and to encourage imaginative site planning that serves the overall development. Planned Development Districts are intended to be located in areas which are served with appropriate infrastructure.
2. Purpose. The PD Planned Development District is established to:
  - (a) Permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone will not be contrary to the intent and purpose of the Zoning Code, inconsistent with the Land Use Plan, nor harmful to the neighborhood.
  - (b) Conserve land through more efficient allocation of an overall development design through new techniques not available through strict adherence to usual zoning standards.
3. Applicability. The provisions of this Chapter may apply to any land within the unincorporated area of the County that are regulated by County Zoning, which are to be developed in a more flexible manner than permitted by the provisions of Chapter 2 of these Regulations. All requirements of the Clark County Subdivision Regulations shall be complied with.

ZONING REGULATIONS	COMMENTS
<p>4. Development Requirements.</p> <ol style="list-style-type: none"> <li>(a) The physical character of the site shall be suitable for development in the manner proposed, without hazards to persons or property on or off the site from possible flooding, erosion, subsidence or other dangers, annoyances or inconveniences.</li> <li>(b) The site shall have direct access to a major street* and not generate traffic on minor residential streets outside the district. This requirement does not apply to single family detached residential developments having an overall density of four dwelling units per acre or less.</li> <li>(c) Utilities and public facilities for the proposed development shall be installed at the expense of the developer.</li> <li>(d) The development shall provide for efficient, safe, convenient and harmonious grouping of structures, uses and facilities.</li> <li>(e) There shall be an appropriate relationship of space, inside and outside buildings, to the intended uses and structural features.</li> <li>(f) Provision shall be made at points of ingress, egress and within the district to ensure a free and safe flow of vehicular and pedestrian traffic.</li> <li>(g) Common areas and open space may be required.</li> <li>(h) All off-street common parking for more than five cars, all service areas for loading and unloading vehicles, and all areas for storage and collection of trash and garbage shall all be properly screened.</li> </ol> <p>5. Standards for Planned Development "PD" Districts.</p> <ol style="list-style-type: none"> <li>(a) The planned development should be completed within the period of time specified in the schedule of development submitted by the developer.</li> <li>(b) The planned development shall not jeopardize public health, safety and morals.</li> </ol>	<p>The site appears to be suitable but will need to allow for possible changes due to Flood Plain. This development will be similar to "Willows at Winding Creek", a successful condo adjacent to this tract.</p> <p>A new public street will provide almost direct access to Dayton-Springfield Road.</p> <p>This is being provided by the developer.</p> <p>The grouping will be similar to Willows at Winding Creek.</p> <p>A new public street will provide access to Dayton-Springfield Rd.</p> <p>An area for a clubhouse &amp; pool are provided.</p> <p>Not shown.</p> <p>Two phases. Total timetable - 4 years</p>

ZONING REGULATIONS	COMMENTS
<p>(c) The street system within the site shall be designed to adequately serve the proposed development, relative to use and type. If warranted or recommended by the County Engineer, the developer may be required to submit a traffic study to determine whether offsite improvements or devices are needed to maintain a suitable level of service on the adjacent public roadways.</p> <p>(d) The development should not impose an undue burden on public services, utilities, or other infrastructure and facilities, including fire and police protection.</p> <p>(e) The development plan shall contain such proposed covenants, easements and other provisions relating to the proposed development standards, as are reasonably required for public health, safety and morals.</p> <p>(f) The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of the planned development not used for structures, parking and loading areas, or accessways, shall be landscaped, improved, or otherwise used appropriately in concert with the overall development.</p> <p>(g) When a planned development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear a relationship equal to or greater than to the total open space to be provided in the entire planned development as such stages or units completed or under development bear to the entire planned development.</p> <p>(h) A major change in the development plan is defined as:</p> <ol style="list-style-type: none"> <li>(1) an increase in the proposed baseline density of the entire project or any phase/section thereof of greater than 15%</li> <li>(2) a change in the proposed uses</li> <li>(3) a change in the proposed utilization of public infrastructure of more than 15%</li> </ol>	<p>The applicant indicates the plan is being modified to take comments from County Engineer into account.</p>
<p>6. Criteria for Approval. In approving an application for a Planned Development the reviewing authorities shall determine:</p> <p>(a) That the proposed development is consistent with the purpose and intent applicable standards of these Zoning Regulations and the Comprehensive Plan.</p> <p>(b) That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained.</p> <p>(c) That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other Zoning Districts in these Regulations.</p> <p>(d) That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic.</p> <p>(e) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved unless left in a natural state.</p> <p>(f) The plan is acceptable, or will be acceptable, to the County Engineer, Clark Soil &amp; Water Conservation District, the Combined Health District or Ohio EPA and the provider of public sewer and water (if applicable).</p>	<p>The plan is shown as a PD-R. The Comprehensive Plan shows the area as Medium Density Residential which is 4 to 6 dwellings per acre gross density. This plan is at 5.77 units/acre.</p> <p>According to the applicant, the Homeowners Association will maintain the landscape for common areas and the natural open area along Mud Creek.</p> <p>These agencies have noted needed changes. The applicant is working on these modifications.</p>

ZONING REGULATIONS	COMMENTS
<p>(g) That significant cultural, historical, and natural amenities of the site are preserved and protected.</p> <p>(h) That common areas and open space will be managed and maintained for the long term.</p> <p>(i) That infrastructure, including sewer and water, will be sufficient for the needs of the occupants and not precipitate health or safety problems in the future.</p> <p>7. The applicant/owner/developer is encouraged to undertake informal discussions of a concept plan with the County Planning staff prior to submitting a preliminary PD plan.</p> <p>8. Preliminary PD Plan. The owner of land who wishes to develop his property according to the provisions of this chapter, shall submit six (6) copies of a preliminary PD plan and application for preliminary approval. The preliminary PD plan for the use and development of the area of land shall list all requested variations from requirements of the underlying district in which the tract of land is located. The preliminary PD plan may show a range of dimensions and need not have the specificity of the final plan. The application shall be accompanied by the following:</p> <p>(a) A location map affixed to the plan.</p> <p>(b) A preliminary PD plan of the proposed development drawn to an appropriate scale, showing:</p> <p>(1) Existing and proposed uses.</p> <p>(2) Topographic contours at two (2) foot intervals or less on the PD property and within two hundred (200) feet of the proposed development.</p> <p>(3) Location of floodplain and wetlands on the PD property and adjacent thereto.</p> <p>(4) Location of existing and proposed streets, including points of connection.</p> <p>(5) Location of existing and proposed utilities, including points of connection.</p>	<p>According to the applicant, the Homeowners Association will maintain the landscape for common areas and the natural open area along Mud Creek.</p> <p>County Utilities Dept. indicates there is adequate sewer &amp; water capacity for this project.</p> <p>Shown on plan drawing.</p> <p>The planned development is proposed for Clark County, Mad River Township, Ohio Section 12, Township 3, Range 8 consisting of 14.837 acres more or less. Currently, the parcel is used for agricultural purposes and we propose to develop a planned condominium community consisting of 72 units with clubhouse and pool.</p> <p>Topographic contours at two (2) foot intervals or less on the PD property and within two hundred (200) feet of the proposed development.</p> <p>A flood zone encompassing Mud Run lies on the southern boundary and would be undisturbed. No wetlands have been identified on the parcel to be developed.</p> <p>A stub street off Dayton Springfield Road, designated as Hunter Drive, has been approved for access to the parcel and will be installed simultaneously with the development of a shopping center by One Enon Company on a commercial lot to the north. This street would be continued to Mud Run and dedicated to Clark County, built to county standards. A singular, private access for the condominium would be established off this roadway. A private drive would service the condominium and be maintained by the association.</p> <p>An 8" waterline runs along the northeast boundary of the parcel and would be extended for use with the condominium. Water would be purchased from Clark County and supplied from the Village of Enon. An existing sewer manhole is located along the southeast corner of the parcel contributing to the Southwest Waste Treatment Facility.</p>

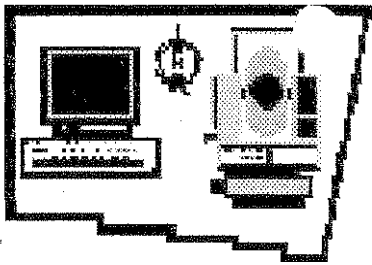
ZONING REGULATIONS	COMMENTS
(6) Location and type of drainage and storm water management facilities.	Two areas of detention are designated along the eastern most and western most boundaries of the property. These areas would use a controlled release into Mud Run.
(7) Approximate number of structures, by type use and size, proposed for the planned development.	The development would include eighteen (18) condominium buildings with four (4) units each for residential living. One clubhouse and one pool would be included for common use.
(8) For non-residential uses: a) building size-to-lot ratio b) plans for storage of any items outside of buildings c) signage standards	N/A
(9) Proposed general arrangement of the buildings.	Buildings would be clustered around the private street as shown on the layout exhibit.
(10) Location and area (size) of proposed open spaces either to be held in common or publicly, and whether it is to be used for active recreational purposes or only as an environmental amenity.	Limited common areas would be designated outside each unit for the primary use of that particular resident. The balance of the parcel not occupied by residential buildings would be common space for the recreational benefit of all condominium residents.
(11) Sketches to show the general architectural design of buildings, types and character of the development.	Creekside condominium would consist of two distinct building styles and four unique floor plans. The European design uses stone fronts, brick soldiers around round top windows shown on the elevation drawings included.
(12) Legal description of the tract of land for the planned development.	See attached Exhibit B.
(13) Parking provisions.	Each condominium unit will include a 2-car garage with 2 additional spaces off-street. The private street through the development will be wide enough for parking on one side. Appropriate parking will be provided for clubhouse use.
(14) Loading facilities, if any.	N/A
(15) Proposed landscaping approach (theme).	Each unit would be landscaped with small bushes and assorted perennials. Street trees and a landscaped entry feature would be incorporated and any unoccupied area remaining would be grassed.
(16) Such other information as is necessary to ascertain compliance with the requirements of this chapter.	Proposed Bylaws for condominium owners have been included illustrating the code of regulations for each homeowner.
(17) An overview of existing and planned uses in surrounding area and expected impact of the proposed development on them.	<p>North: Commercial Shopping Center. Given planning in place and cooperation of developers, no impact would be expected considering close timing of developments.</p> <p>East: Condominium Development. The buildings will differ slightly and the condominium communities will be independent of one another making for harmonious neighbors.</p> <p>South: Agricultural. Current agricultural use will be separated by Mud Run and be unaffected.</p> <p>West: Single Family Residential. Joint access is not planned resulting in no impact.</p>

ZONING REGULATIONS	COMMENTS
<p>(18) General description of natural features of the site (trees, vegetation, floodplain, wetlands, streams) and approach for preserving and protecting them during construction and final build out.</p> <p>(19) Proposed timetable for development including general description and diagram of phases of development.</p>	<p>The parcel is vacant with no natural features. Mud Run and its associated floodplain will not be disturbed and general NPDES regulations will be adhered to.</p> <p>Development will be broken into two phases (see Exhibit G). Build out for each phase would be expected to be two years for a total timetable of four years.</p>

ZONING REGULATIONS	COMMENTS
<p><b>Section B PD-R Planned Development - Residential District Requirements and Procedures</b></p> <p>1. Intent. The intent of the PD-R district regulations is to:</p> <ul style="list-style-type: none"> <li>(a) Provide flexibility in architectural design, placement and clustering of buildings, use of open space, provision of traffic circulation facilities and parking, and related site and design considerations;</li> <li>(b) Encourage the preservation and best use of existing landscape features through development sensitive to the natural features of the surrounding area;</li> <li>(c) Promote efficient land use with smaller networks of utilities and streets;</li> <li>(d) Encourage and preserve opportunities for energy efficient development;</li> <li>(e) Promote an attractive and safe living environment that is compatible with surrounding residential developments; and</li> <li>(f) Provide an alternate method for redeveloping older residential areas and to encourage infill development.</li> </ul> <p>2. Permitted Uses. Those uses specified as permitted principal uses, permitted accessory uses, and conditional uses in the "R-1", "R-2", "R-2A", "R-3", and/or "R-4" residential zoning districts, developed in a unified manner in accordance with the approved development plan.</p> <p>3. Applicability. Housing shall be permitted as follows:</p> <ul style="list-style-type: none"> <li>(a) For development of land of two (2) acres or more.</li> <li>(b) For development of land less than two (2) acre where such development is more appropriate and more efficient than conventional development because of environmentally sensitive areas, existing natural features or scenic assets, the amount of land available for infill development, or because of the age of existing development in the vicinity.</li> </ul> <p>4. General Requirements. All PD-R developments shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Land uses. Any residential uses are permitted. Combinations of land uses may include single-family, multifamily, and group care facilities.</li> <li>(b) Variations. Variations in the requirements of the underlying district may be permitted. However, setbacks required by the Ohio Basic Building Code, legislated by the State of Ohio, or the Ohio Residential Code For One-, Two-, and Three-Family Dwellings, whichever is applicable, shall be provided.</li> </ul>	

- (c) Dwelling unit density. The dwelling unit density shall be calculated on the buildable acreage (gross acreage less public and/or private street right-of-way, flood plain, etc.) divided by the minimum lot size (square footage) for the allowed "R" Zoning District. Lot sizes can be less than the minimum designated in the "R" District provided the dwelling unit density of the buildable acreage does not exceed the density permitted in the "R" District. Density should be in accordance with the comprehensive plan.
  - (d) Streets. Planned developments shall make provision for the extension of streets, if any.
  - (e) Storm water management. The planned development shall comply with the requirements for storm water management, including the provision of detention or retention basins. The developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs. Generally, such costs shall be shared by all owners of property located within the planned development, with unpaid costs becoming a lien against individual properties.
  - (f) Open space. Except in a conventional subdivision, planned developments are encouraged to provide open space for flood control, agriculture, active or passive recreational purposes, etc., and to enhance the general character of the area. In the event the open space land is to be retained under private ownership, the developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs as with storm water detention or retention basins in Subsection (e) above.
  - (g) Dedication of land for public or common use. All proposed dedications of land for public or common use, including those to be dedicated for recreational use, shall be approved in writing by appropriate departments of the County before the approval of the plan by the County Commission.
  - (h) Ownership. At the time of approval of a preliminary plan, the developer must submit evidence of ownership of the property to be developed or show evidence of a legally binding executed option agreement for purchasing all the property.
  - (i) Schedule of completion. A developer or sponsor of a planned development shall submit a signed statement generally describing the proposed development and setting forth an intended time schedule for the completion of various phases.
  - (j) Other requirements. Other conditions may be imposed as deemed necessary to fulfill the purpose and intent of this chapter. Such conditions may include but are not limited to planting screens, fencing, construction commencement and completion dates, lighting, operational controls, improved traffic circulation, highway access restrictions, yards, and parking requirements.
5. Requirements for Areas less than Two (2) Acres. A PD-R plan for an area containing less than two (2) acres shall in addition to or in lieu of the requirements elsewhere above, meet the following requirements:
- (a) The density and design of the PD-R shall be compatible in use, size and type of structure, relative amount of open space, traffic circulation and general layout with adjoining land uses, and shall be integrated into the neighborhood.
  - (b) Multi-family structures located adjacent to existing single-family dwellings shall be sited, landscaped and screened by natural features and plant materials to harmoniously integrate the planned development with the surrounding neighborhood.
  - (c) The development shall not overburden existing streets and utilities.
  - (d) The development shall not adversely affect views, light and air, property values and privacy of neighboring properties any more than would a conventional development.





Clark County  
Engineer's Department  
4075 Laybourne Rd Springfield, Ohio 45505-3613  
Bruce C. Smith, P.E., P.S.  
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyoohio.gov/engineer](http://www.clarkcountyoohio.gov/engineer)

June 14, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Senior Planner

Re: **Z-2005-3 Creekside Condominiums**  
**Zoning Review Comments**

Mr. Tritle,

The County Engineer has reviewed the zoning application submitted for **Creekside Condominiums**, relative to the street layout/drainage system and offer the following comments relative to Chapter 4, Section A Paragraph 4:

- 1) Physical characteristic of the site indicate portions are located within the 100-year floodplain for Mud Run, as determined by FEMA. According to Community Panel 390732 0280 A, the base flood elevation at this location is 872. Based upon the topographic survey provided by the applicant, unit # 10 is entirely in the floodplain and approximately ½ of unit 13 is located within floodplain limits.
- 2) Direct access to a major street is required, where the development density exceeds 4 units per acre. This plan indicates 5.77 units per acre. There is no existing major street, which provides access to the proposed development, although the plan does show a proposed public road being planned from Dayton Road south and extending approximately 1400 feet.
- 3) Provisions for vehicular traffic are addressed by proposing a private street system, consisting of an uncurbed street with open side ditches. A curbed street section would be more conducive in this type of development and would also permit the free flow of pedestrian traffic. Recommend a different pavement section for the internal streets.
- 4) The proposed public street must be included in the plat process, in order to dedicate the improvements to the county. The street typical proposed is a standard residential collector street section, except without the walk. The collector design standards may be suitable, but the asphalt course thickness may need to be increased to the proposed density and future development. There is no street lighting proposed.
- 5) Concerning drainage & stormwater requirements, it is unclear whether the two areas designated for storage contain sufficient area and volume for the anticipated storage volumes. Graded shallow swales and additional catch basin inlets may be required to collect storm runoff near the common drive/road intersection locations and rear yard areas.

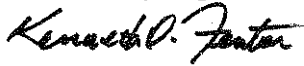
Donald Boyle – Road Superintendent  
Paul W. DeButy P.E. – Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank – Bridge Superintendent  
Pamela Fulton – Office Assistant

William A. Pierce, P.S. – LIS Director  
Shayne Gray – GIS/CAD Coordinator  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor  
Ned G. Weber, Deputy Engineer

The County Engineer has no objection to the proposal to rezone 14.837 acres from R-2 to PD-R Planned Development Residential, provided there plans are modified to address the above concerns.

Sincerely,

Bruce C. Smith P.E., P.S.  
Clark County Engineer

A handwritten signature in black ink, appearing to read "Kenneth D. Fenton". The signature is written in a cursive, flowing style.

Kenneth D. Fenton  
Deputy Engineer

K:\Miscellaneous Reviews\Creekside Condos\Review comments 061405.doc

**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

June 14, 2005

Mr. Phil Tritle  
Clark County Planning Department  
25 West Pleasant St.  
Springfield, OH 45506

Re: Z-2005-3~White Oak Communities/Creekside Communities  
Dayton Rd. ~ Mad River Twp. ~ 14.8 acres

Mr. Tritle,

The Clark Soil & Water Conservation District has reviewed the above request and provided the following comments regarding soils, drainage and stormwater management.

Soil types on this site include Eldean (EmA), which are nearly level and well drained. Soil limitations for dwellings with or without basements are rated Slight-Moderate due to shrink/swell. Because sewer and water is available, the Soil Potential Index ratings are not included.

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. The NPDES Phase II Construction Permit was finalized in 2003 and requires additional components to address stormwater in developments. One specific component includes Post-Construction Stormwater Management. A combination of both structural and non-structural BMPs should be utilized, such as grassed swales, infiltration trenches and basins, and greenspace. It is recommended that a "preliminary SWPPP" be provided to our office for review prior to submittal of final plans to County Planning.

**Chapter 4 ~ Planned Development District Requirements and Procedures**

**Section A. 6. Criteria for Approval.**

e) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved unless left in a natural state. Previous recommendations from the Planning Commission included the installation of an earthen mound landscaped buffer along Hunters Glen Subdivision to provide a vegetative screen.

h) That commons areas and open space will be managed and maintained for the long term. Specify how the open areas, specifically along Mud Run will be maintained. Although plans have indicated that the floodplain will be left undisturbed, additional information is needed regarding ownership and maintenance of the area.

**Section A. 8. Preliminary PD Plan**

6) Location and type of drainage and storm water management facilities. Sheet 1 of 2 indicates a proposed detention/infiltration area on the southeast side of the condo entrance. Plans submitted previously for the

**CONSERVATION ~ DEVELOPMENT ~ SELF-GOVERNMENT**

Discount Drug Mart site just northwest of this site indicate the construction of a drainage ditch/swale along the northside of proposed Hunter Drive to Mud Run. This area is not indicated on the condo plans, and it appears that condos 1,2,13,14,15,16 will encroach on the proposed drainage area.

10) Location and size of proposed open space, and whether it is to be used for active recreational purposes or only as an environmental amenity. Specify how the open areas, specifically along Mud Run will be maintained. Although plans have indicated that the floodplain will be left undisturbed, additional information is needed regarding ownership and maintenance of the area.

This office does not object to the proposed zoning request, providing the above items are addressed.

Respectfully,

Christine L. Pence, CPESC  
Urban Coordinator

CC: Dean Fenton, County Engineers  
Scott Owens, Creekside Communities, Inc.

# CLARK COUNTY DEPARTMENT OF UTILITIES

Garfield Building  
25 W. Pleasant Street  
P.O. Box 1303  
Springfield, Ohio 45501-1303  
Telephone (937) 328-2493; Fax (937) 328-2616

Alice Godsey, P.E.  
Director of Utilities

Christopher Neary  
Business Systems Manager

June 15, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Mr. Phil Tritle, Senior Planner

Re: Review Comments – Creekside  
Condominiums, Re-zoning, Enon,  
Ohio

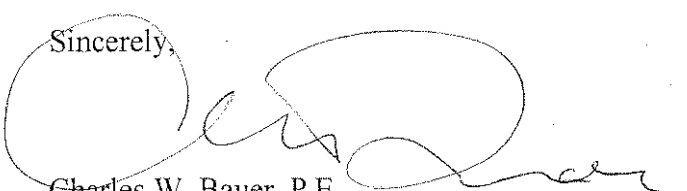
Mr. Tritle,

The Clark County Utilities Department has reviewed the preliminary plan set for Creekside Condominims prepared by Buckeye Civil Design, LLC. The plan set consists of two (2) plan sheets. Our review comments for the referenced plan set are attached.

Based on our review, we recommend that the Commission approve the preliminary plans as they relate to utilities contingent upon the plans addressing the attached comments and the property being re-zoned. Note that our review and conditional approval of the plans does not preclude future review and comments of the final development plans by the Utilities Department.

Please let me know if you have any questions or comments concerning the above or attached.

Sincerely,



Charles W. Bauer, P.E.  
Deputy Director of Utilities

cc: Director Godsey, email  
File

Attachment: Review Comments

CLARK COUNTY UTILITIES DEPARTMENT REVIEW COMMENTS			PROJECT: Creekside Condominiums			
			Plan Set Information (2 plan sheets)		Dated Received: 6-9-05 Plot Date: 5-18-05 Prepared By: Buckeye Civil Design Reviewed By: C. Bauer	
Item	Description	Sheet/Pg Ref.	Comment			
1	Extension of waterline along Hunter Drive	1 of 2	Extension of a 12-inch diameter public waterline will be required from Dayton-Springfield Road to the southern terminus of Hunter Drive. An 8-inch waterline will also be required from the 12-inch line on Hunter road to interior condominium waterline loop.			
2	Waterh/sewer lines	1 of 2	Clarify if the proposed utilities within the condominiums are intended to be public or private.			
3	Water/sewer capacity	NA	There is adequate sewer and water system capacity for the proposed development. The Department will present a summary of system capacities as they relate to this project under separate cover.			
4	Ohio EPA Approvals	NA	Ohio EPA approvals for the sewer and water systems are required.			

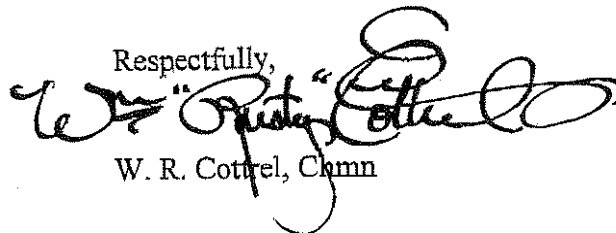
**Mad River Township Planning Committee**  
***"Preserving Our Rural Heritage"***

June 20, 2005

Attachment (2): Comments on proposal for "Creekside"

This proposal does not meet the requirements of the Clark County Crossroads Comprehensive Land Use Plan, and therefore the Mad River Township Planning Committee recommends denial of the project.

Respectfully,

A handwritten signature in black ink, appearing to read "W. R. Cottrell", is written over the typed name. The signature is stylized with a large, looping initial 'W' and a long, sweeping underline.

W. R. Cottrell, Chmn

## MAD RIVER TOWNSHIP

Trustees: Robert McClure, Jr., Richard J. Schumann, Kathy Estep

Clerk: James A. Matthews

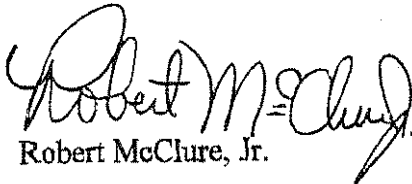
260 East Main Street, Box 34, Enon, OH 45323

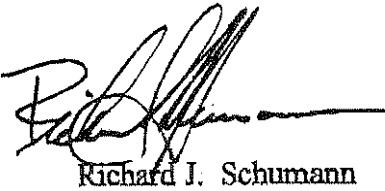
[www.madrivertownship.org](http://www.madrivertownship.org)

June 20, 2005

Subject: Project Proposals for July Planning Commission Meeting

The Mad River Township Trustees have reviewed the memoranda from the Mad River Township Planning Committee pertaining to the proposals regarding "the Bluffs", "Creekside", and the Watts property on Fowler Road. We concur with their comments and recommendations.

  
Robert McClure, Jr.

  
Richard J. Schumann

  
Kathy Estep



5-21-05

Clark County Planning Comm.  
Mr. Tittle

If the Clark County  
Rural Zoning Commission  
approves this request  
Z-2005-3 and the  
Clark County approves.

a rezone from R2 to  
PDR for the 14.837 acres  
is that correct.

Could this also be  
put to a vote on a  
referendum as was the  
acreage behind the  
Willow PDR.

It's obvious that an Enon  
City group and the MRT  
Trustees are against growth  
and Clark County actions.

Russell D. Harrod



Russell D. Harrod  
3033 Willow Run Cir.  
Enon, OH 45323

**Creekside Communities, Inc.**

2015 W. Fifth Ave. Columbus, OH 43212  
Phone 614-486-1148 • Fax 641-486-4466

June 27, 2005

To: Phil Tritle

From: Scott Owens

Re: Creekside Condominium

Attached please find responses to the various department review comments of the preliminary plans for the Creekside Condominium prepared by Buckeye Civil Design LLC.

**Clark County Engineer's Department**

- 1) The current topographic map indicates a question of whether a building is located in the floodplain. This area is being re-surveyed to determine if this is correct because we have disputing elevations. If it is determined to be in the floodplain the base building level will be increased to be out of the floodplain and we will mitigate the built up area on the other side of Mud Run. Clark County Soil & Water indicated that this is an acceptable remedy if needed.
- 2) The plans are being adjusted to show Hunter Drive to be a dedicated public street to provide access to the proposed development.
- 3) Our engineer has been in contact with Dean Fenton and will modify the final development plan for a private street system that is acceptable.
- 4) We will meet all plat requirements for a public street as well as meeting the construction requirements for a residential collector street.
- 5) We are working on the drainage and storm water requirements. This is currently ongoing with the existing Willows at Winding Creek to improve and enlarge the existing retention area currently in use to be jointly maintained by both condominium communities. On our final plans all calculations and designs will be submitted for approval by the county before construction.

**Clark County Department of Utilities**

- 1) Discussions are ongoing with Chuck Bauer to meet the requirements necessary to safely serve the proposed development. With the new water tower project, Mr. Bauer is evaluating the best method to also service the future White Oak development to the south. We will follow whatever is decided.
- 2) Utilities within the proposed condominium project would be public.

**Creekside Communities, Inc.**

2015 W. Fifth Ave. Columbus, OH 43212

Phone 614-486-1148 • Fax 641-486-4466

- 3) All EPA approvals will be applied for when the final development plan is approved.

**Clark County Soil & Water**

- 1) Earthen mound will be created between Hunter's Glen Subdivision and "the to be built" Hunter Drive to provide landscape screening for the existing homes. This will be addressed on our revised plans.
- 2) Common area and open space will be deeded to the Creekside Condominium HomeOwners Association and it will be their responsibility to maintain both the landscape common areas and the natural open area along Mud Run. Costs will be paid by dues assessments by the Homeowners Association. This is identical to what we did with "The Willows at Winding Creek."
- 3) Drainage and storm water management system: The drainage ditch/swale for the Discount Drug Mart will be piped along the to be constructed Hunter Drive and made part of the dedicated plat. We have the right to adjust the Drug Mart easement to be part of the Hunter Drive plat.

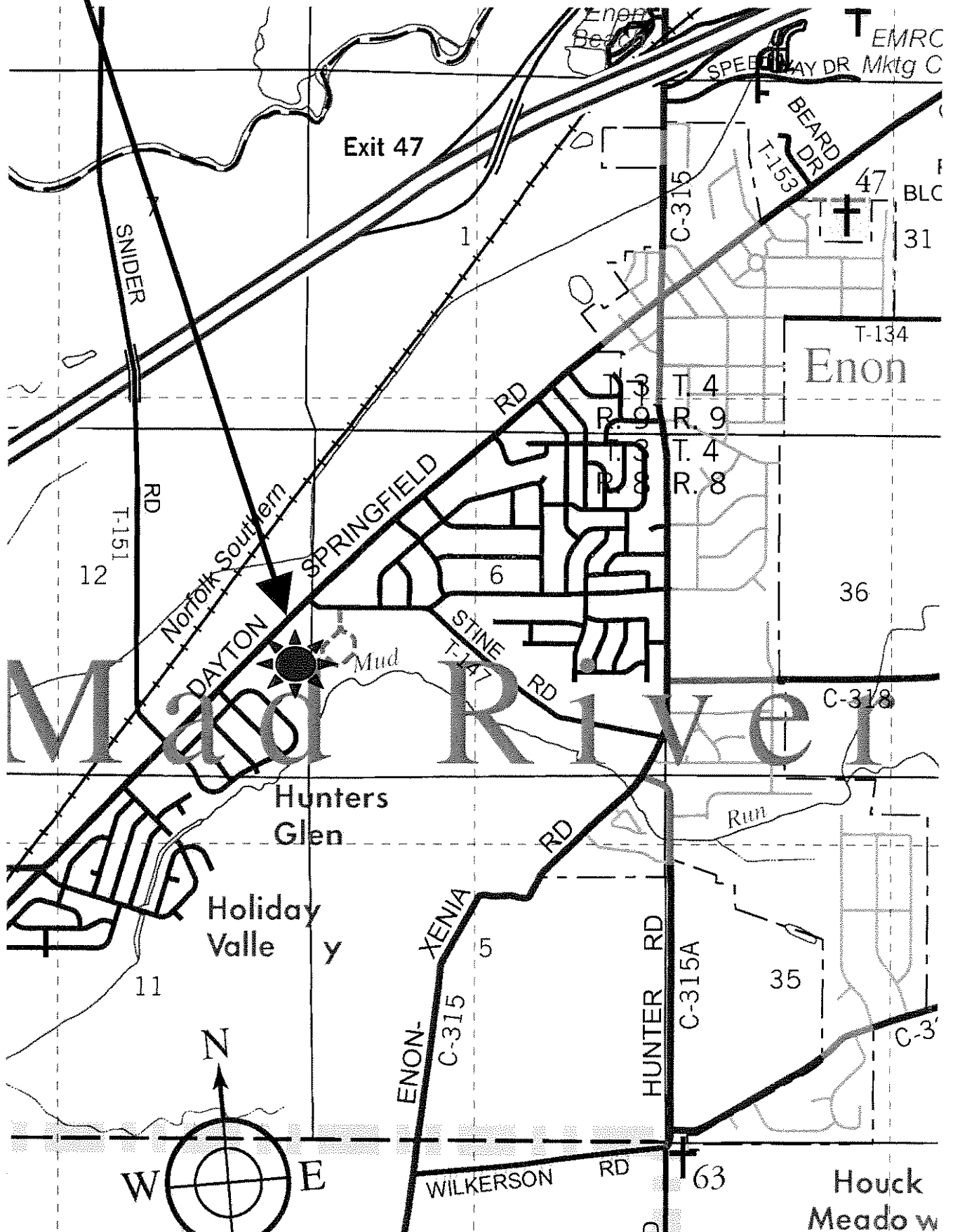
Buckeye Civil Design, LLC is preparing new preliminary engineering plans encompassing many of these adjustments and will be forwarded to you by July 6, 2005.

Sincerely,



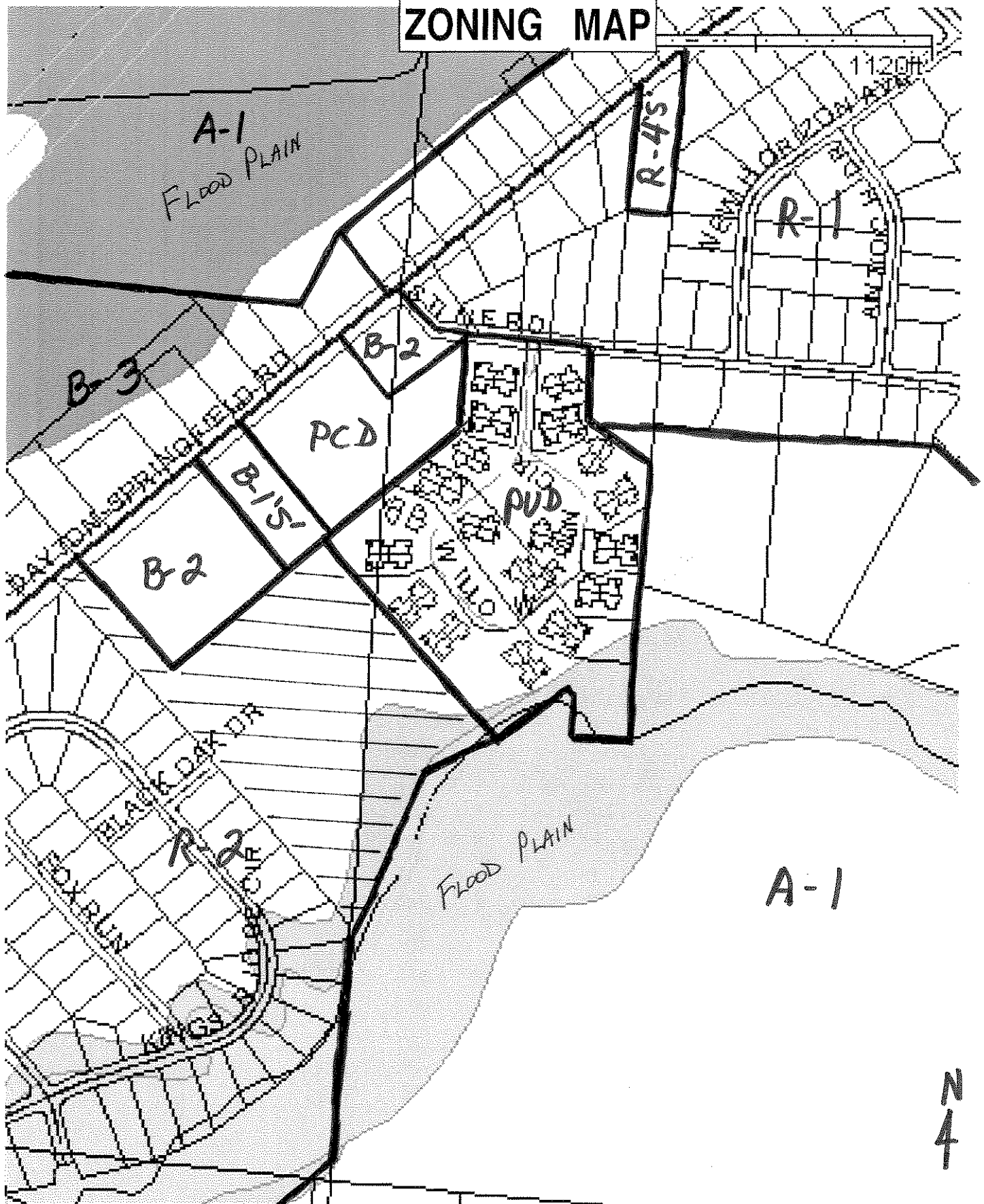
D. Scott Owens  
President

# LOCATION MAP



**REZONING CASE # Z-2005-3 R-2 to PD-R**

# ZONING MAP



REZONING CASE #Z-2005-3

R-2 to PD-R

7689 Dayton-Springfield Rd.

14.837 ac.

Mad River Twp.

## Rezoning Case # Z-2005-4

To: Clark County Planning Commission	Date of Meeting: July 6, 2005
From: Planning Staff	Date of Report: June 28, 2005

**Applicant:** James L. Watt

**Request Action:** Rezone **from - A-1** (Agriculture District)  
**to - R-1** (Rural Residence District)

**Purpose:** To divide into six residential lots (single-family home subdivision)

**Location:** Southwest corner of Fairfield Pk. & Fowler Rd.

**Size:** 27 Acres  $\pm$

**Existing Land Use:** Agriculture & Residential

### Surrounding Land Use and Zoning:

	Land Use	Zoned
<b>North</b>	Agriculture & Residential	A-1 (Agricultural)
<b>South</b>	Agriculture & Residential	A-1 (Agricultural)
<b>East</b>	Agriculture	A-1 (Agricultural)
<b>West</b>	Agriculture & Residential	A-1 (Agricultural) & Village of Enon (Residential)

### ANALYSIS

This area was zoned A-1 Agricultural when zoning was originally adopted.

### REPORTS FROM OTHER AGENCIES

#### *County Engineer*

The County Engineer has reviewed the request to rezone approximately 27 acres from A-1 to R-1, for low-density residential development. The following review comments are based upon an 8 ½ X 11 sketch plan, which depicts roughly 6 lots with frontage along Fowler Road (See attached).

Concerning access, there are possible locations along Fowler Road, which may be suitable for driveways. But more than 50% of the frontage along Fowler will not be accessible for vehicular traffic, due the hilly profile of the roadway, which results in limited sight distance. There are no assurances that each "lot" shown on the attachment would have a direct and exclusive driveway. Due to the hilly profile of Fowler Road, some of these proposed "lots" may be required to share access, increase the lot frontage or be eliminated altogether.

The existing acreage appears to drain quite well under the present agricultural use. With the rolling topography, there are no expected drainage issues related to home site development. But improvements would be expected along Fowler, in the form of roadside ditch, berm and shoulder constructed along the development limits.

Based upon our review of access and drainage, there are no objections to the proposed rezoning subject to the restrictions noted. (See June 22, 2005 letter)

### ***Soil Conservation***

The Clark Soil & Water Conservation District has reviewed the above request and provided the following comments regarding soils and drainage.

Soil types on this site include Eldean (EmA-0-2% slope, EpC2-6-12% slopes) Westland (Wt) and Miamian (MhB).

- Eldean (0-2%) soils are nearly level and well drained. Soil limitations for dwellings with or without basements are rated Slight-Moderate due to shrink/swell. The Soils Potential Index (SPI), which indicates the relative quality of soil for on-site sewage treatment systems, rates these soils Medium (63) since costs of measures for overcoming soil limitations are high.
- Eldean (6-12%) soils are sloping and well drained. Soil limitations for dwellings with or without basements are rated Moderate due to shrink/swell and slope. The Soils Potential Index (SPI), which indicates the relative quality of soil for on-site sewage treatment systems, rates these soils Medium (73) since costs of measures for overcoming soil limitations are high.
- Miamian (MhB) soils are gently sloping and well drained. Soils limitations for building site development are rated Moderate due to shrink-swell for dwellings with or without basements. Soil Potential Index ratings are High (94).
- Westland silty clay loam (Wt) This soil is nearly level and very poorly drained. This soil is saturated from December to May but is not subject to flooding. Limitations for building site development for dwellings with or without basements are rated Severe due to ponding (water).

Regarding drainage, this site appears to drain well under the current use, pastureland. Clear Creek flows along the western side of the site. There are major concerns regarding the potential for flooding of Clear Creek, a tributary to Mud Run. Although Clear Creek is not included on FEMA's map, the substantial drainage area, topography, and soil characteristics all indicate flooding potential. The entire west side of Clear Creek and a minimum of 100 feet on the entire east side of the stream should be excluded from the rezoning request and any building lot boundaries, in order to protect the integrity of the stream corridor. These areas are not suitable for development and multiple ownership of the stream corridor would become a maintenance issue.

This office does not object to the proposed zoning request, providing the above items are addressed.. (See June 16, 2005 letter)

### ***Combined Health District***

No report at this time. The applicant's representative has indicated that test holes were in the process of being analyzed by the Health District.

### ***Mad River Township Planning Committee***

This proposal does not meet the requirements of the Clark County Crossroads Comprehensive Land Use Plan, and therefore the Mad River Township Planning Committee recommends denial of the project. (See June 20, 2005 letter)

### ***Mad River Township Trustees***

The Mad River Township Trustees have reviewed the memoranda from the Mad River Township Planning Committee pertaining the proposal regarding the . . . Watt property. We concur with their comments and recommendations. (See June 20, 2005 letter)

### ***Planning Department***

The Clark County Comprehensive Plan identifies this area as Agriculture / Rural Residential. Agriculture is the primary land use but permits residential is very low in density - 1 house per 2 acres. Therefore any development of this tract could only be recommended with a maximum density of one residence for every two acres for the entire project. The current County Zoning Regulations for the A-1 District allow lots with a 40 acre minimum with exceptions for lotsplit, where available, of less than 5 acres. In order to accommodate lots less than 40 acres, rezoning to R-1 (Rural Residence) District is necessary.

The applicant's representative has reviewed the comments from Soil Conservation and the County Engineer. He has indicated that most issues are not a concern in regards to developing a subdivision and that all items will be taken into account when designing the plat. He is satisfied that they will be able to design lots in accordance with all of the issues and is aware that the final configuration may be different from the initial proposal.

## **RECOMMENDATION**

---

The Planning Staff recommends approval of this rezoning.

It should be noted that a "non-building" / "open space" easement along Clear Creek will be considered as part of the plat when this area comes back for review and approval under the County Subdivision Regulations. In addition it should be noted that the number of final lots will be determined by the County Health District 's requirements and/or the County Engineer's access limits.

#### Attachments:

County Engineer's letter

Soil Conservation District's letter

Mad River Township Planning Committee letter

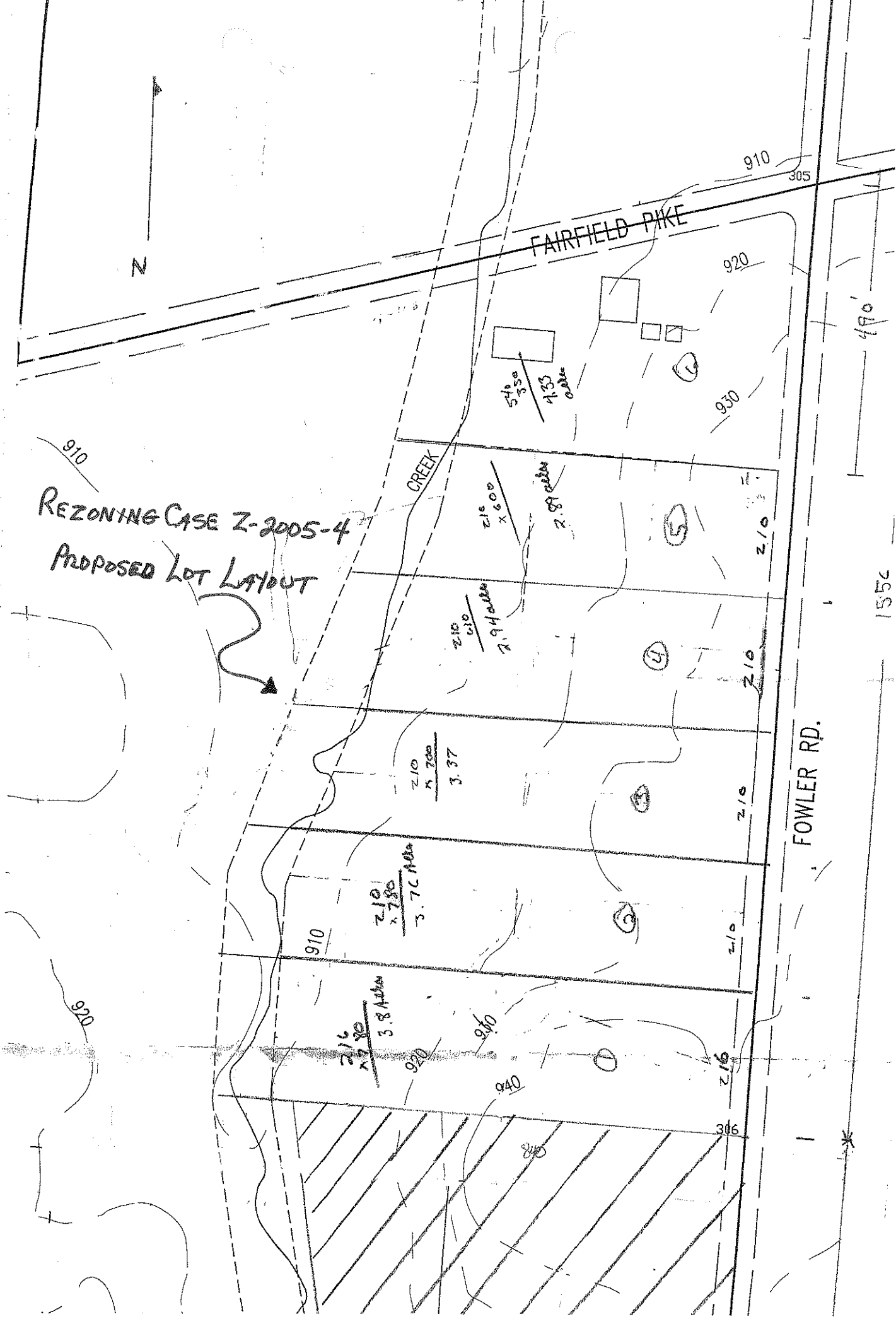
Mad River Township Trustee's letter

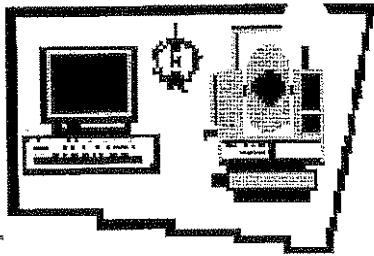
Location Map

Zoning Map



# REZONING CASE Z-2005-4 PROPOSED LOT LAYOUT





## Clark County

## Engineer's Department

4075 Laybourne Rd Springfield, Ohio 45505-3613

Bruce C. Smith, P.E., P.S.

Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

[www.clarkcountyoohio.gov/engineer](http://www.clarkcountyoohio.gov/engineer)

June 22, 2005

Clark County Planning Commission  
25 West Pleasant Street  
Springfield, Ohio 45506  
Attention: Phil Tritle, Planner

Re: **Rezoning Request Z-2005-4**  
**27+ acres from A-1 to R-1 District**  
**SW corner of Fowler Road / Fairfield Pike**

Mr. Tritle,

The County Engineer has reviewed the request to rezone approximately 27 acres from A-1 to R-1, for low-density residential development. The following review comments are based upon an 8 ½ X 11 sketch plan, which depicts roughly 6 lots with frontage along Fowler Road (See attached).

Concerning access, there are possible locations along Fowler Road, which may be suitable for driveways. But more than 50% of the frontage along Fowler will not be accessible for vehicular traffic, due the hilly profile of the roadway, which results in limited sight distance. There are no assurances that each "lot" shown on the attachment would have a direct and exclusive driveway. Due to the hilly profile of Fowler Road, some of these proposed "lots" may be required to share access, increase the lot frontage or be eliminated altogether.

The existing acreage appears to drain quite well under the present agricultural use. With the rolling topography, there are no expected drainage issues related to home site development. But improvements would be expected along Fowler, in the form of roadside ditch, berm and shoulder constructed along the development limits.

Based upon our review of access and drainage, there are no objections to the proposed rezoning subject to the restrictions noted.

Sincerely,

Bruce C. Smith P.E., P.S.  
Clark County Engineer

Kenneth D. Fenton  
Deputy Engineer

Cc: Mad River Twp. Trustees

Donald Boyle – Road Superintendent  
Paul W. DeButy P.E. – Design Engineer  
Kenneth D. Fenton, P.S., Deputy Engineer  
Doug Frank – Bridge Superintendent  
Pamela Fulton – Office Assistant

William A. Pierce, P.S. – LIS Director  
Shayne Gray – GIS/CAD Coordinator  
Mark Niccolini – Ditch Maintenance Supervisor  
Lew Richards – Traffic Supervisor  
Ned G. Weber, Deputy Engineer

*With the Right to Own - Goes the Duty to Conserve*

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**BOARD OF SUPERVISORS**

Paul Snyder, Chairman  
Alan Donaldson, Vice Chairman  
John Ritter, Treasurer  
David Stickney, Fiscal Agent  
Adam Agle, Secretary

June 16, 2005

Mr. Phil Tritle  
Clark County Planning Department  
25 West Pleasant St.  
Springfield, OH 45506

Re: Z-2005-4~ James Watt~ Fowler Rd.  
Mad River Twp. ~ 27+ acres ~ A1 to R1

Mr. Tritle,

The Clark Soil & Water Conservation District has reviewed the above request and provided the following comments regarding soils and drainage.

Soil types on this site include Eldean (EmA-0-2% slope, EpC2-6-12% slopes) Westland (Wt) and Miamian (MhB).

- Eldean (0-2%) soils are nearly level and well drained. Soil limitations for dwellings with or without basements are rated Slight-Moderate due to shrink/swell. The Soils Potential Index (SPI), which indicates the relative quality of soil for on-site sewage treatment systems, rates these soils Medium (63) since costs of measures for overcoming soil limitations are high.
- Eldean (6-12%) soils are sloping and well drained. Soil limitations for dwellings with or without basements are rated Moderate due to shrink/swell and slope. The Soils Potential Index (SPI), which indicates the relative quality of soil for on-site sewage treatment systems, rates these soils Medium (73) since costs of measures for overcoming soil limitations are high.
- Miamian (MhB) soils are gently sloping and well drained. Soils limitations for building site development are rated Moderate due to shrink-swell for dwellings with or without basements. Soil Potential Index ratings are High (94).
- Westland silty clay loam (Wt)~ This soil is nearly level and very poorly drained. This soil is saturated from December to May but is not subject to flooding. Limitations for building site development for dwellings with or without basements are rated Severe due to ponding (water).

Regarding drainage, this site appears to drain well under the current use, pastureland. Clear Creek flows along the western side of the site. There are major concerns regarding the potential for flooding of Clear Creek, a tributary to Mud Run. Although Clear Creek is not included on FEMA's map, the substantial drainage area, topography, and soil characteristics all indicate flooding potential. The entire west side of Clear Creek and a minimum of 100 feet on the entire east side of the stream should be excluded from the rezoning request and any building lot boundaries, in order to protect the integrity of the stream corridor. These areas are not suitable for

development and multiple ownership of the stream corridor would become a maintenance issue.

This office does not object to the proposed zoning request, providing the above items are addressed.

Respectfully,

Christine L. Pence, CPESC  
Urban Coordinator

**CC: Dean Fenton, County Engineers**

**Mad River Township Planning Committee**  
***"Preserving Our Rural Heritage"***

June 20, 2005

Attachment (3): Comments on proposal for development along Fowler Road on Watts Property

This proposal does not meet the requirements of the Clark County Crossroads Comprehensive Land Use Plan, and therefore the Mad River Township Planning Committee recommends denial of the project.

Respectfully,

A handwritten signature in black ink, appearing to read "W. R. Cottrell", is written over the typed name. The signature is stylized with large, flowing loops.

W. R. Cottrell, Chmn

**MAD RIVER TOWNSHIP**

Trustees: Robert McClure, Jr., Richard J. Schumann, Kathy Estep

Clerk: James A. Matthews

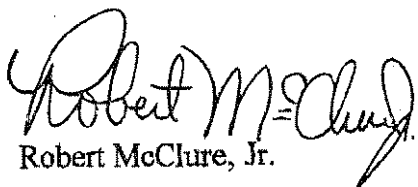
260 East Main Street, Box 34, Enon, OH 45323

[www.madrivertownship.org](http://www.madrivertownship.org)

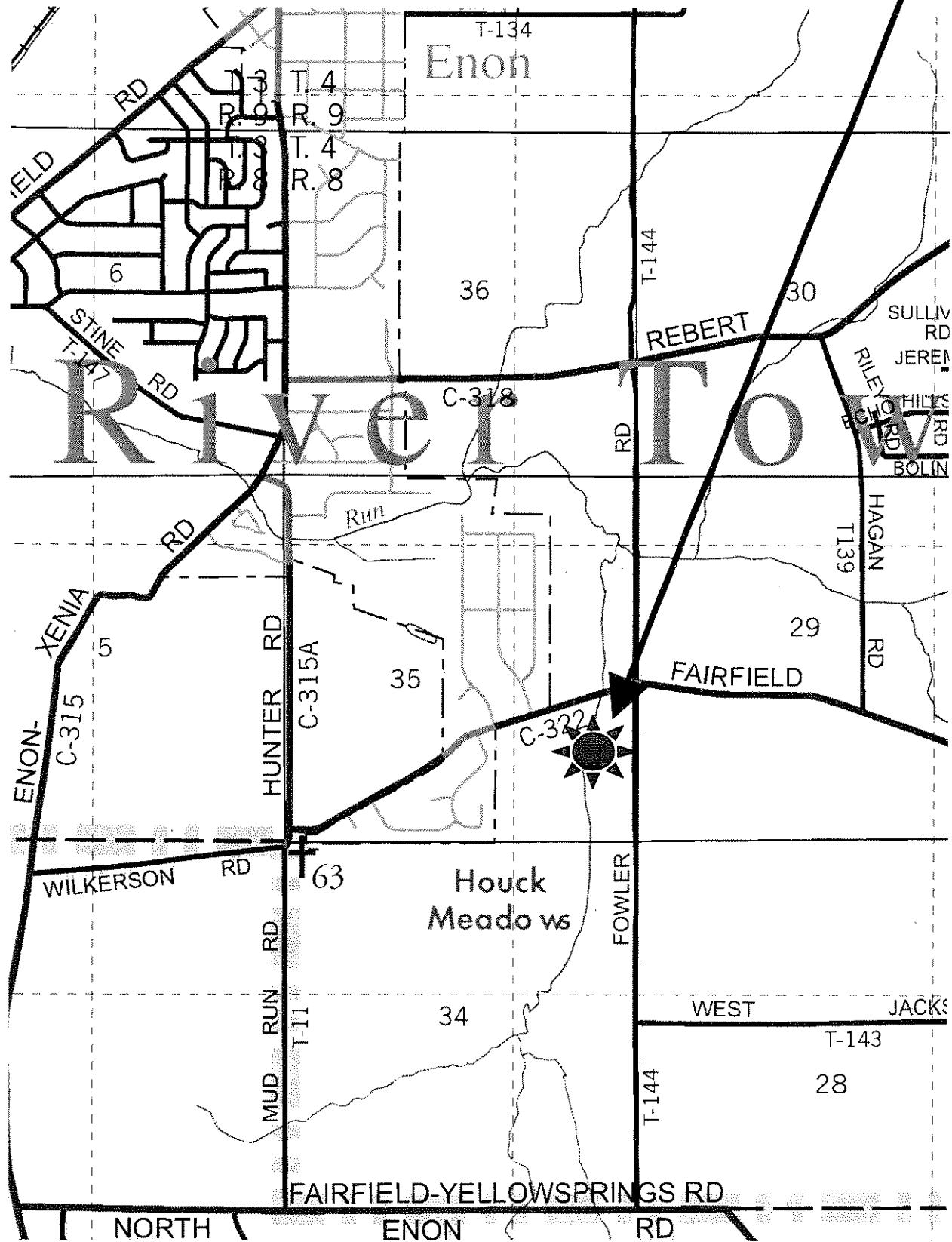
June 20, 2005

Subject: Project Proposals for July Planning Commission Meeting

The Mad River Township Trustees have reviewed the memoranda from the Mad River Township Planning Committee pertaining to the proposals regarding "the Bluffs", "Creekside", and the Watts property on Fowler Road. We concur with their comments and recommendations.

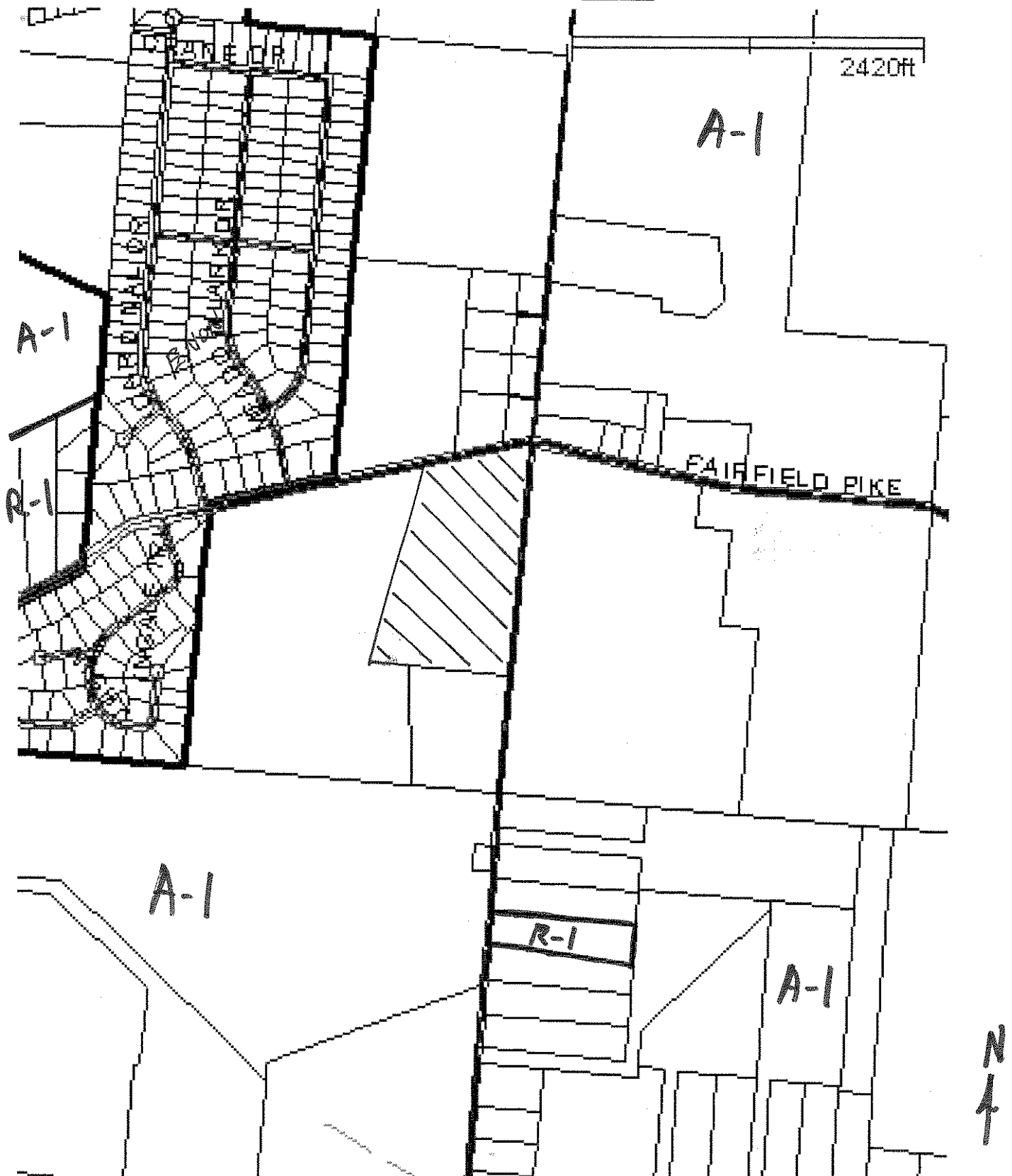
  
Robert McClure, Jr.  
Richard J. Schumann  
Kathy Estep

# LOCATION MAP



**REZONING CASE # Z-2005-4 A-1 to R-1**

# ZONING MAP



REZONING CASE #Z-2005- 4      SW corner – Fairfield Pk. & Fowler Rd.  
A-1 to R-1      27 ac. ±      Mad River Twp.



# CLARK COUNTY ZONING

General Uses - see zoning text for details and other restrictions

May 2003

## A-1

PRINCIPAL PERMITTED AND CONDITIONED USES:	
1. Agriculture, Farm Markets, & related buildings & structures	
2. Agricultural-Related Processing & Marketing	
3. Single-Family Residential	
4. Single-Family Residential (restricted to lotsplits)	
5. Single-Family Residential (restricted to cluster lotsplits & bonus cluster lotsplits)	
6. Private Landing Field	
7. Day-Care Homes	
8. Bed and Breakfast	
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	
1. Home Occupations	
2. Private and Public Outdoor Recreation Areas	
3. Cemeteries	
4. Animal Hospitals, Veterinary Clinics & Kennels	
5. Resource and Mineral Extraction	
6. Demolition Disposal Facility	
7. Airports	
8. Radio, Television, & Telecommunications Transmission & Receiving Towers	
9. Hospitals and Auxiliary Facilities	
10. Group Care Home	
11. Nursing Homes, Convalescent Homes, & Rest Homes	
12. Feed Lot, Grain Elevators, & Slaughterhouses	
13. Day-Care Centers	
14. Churches and Similar Places of Worship	
15. Primary and Secondary Schools	
16. Institutions of Higher Learning	
17. Garden Centers and Greenhouse	

## AR-1, AR-2, AR-5, AR-10, & AR-25

PRINCIPAL PERMITTED AND CONDITIONED USES:	AR-1	AR-2	AR-5	AR-10	AR-25
1. Agriculture, Farm Markets, & related buildings & structures	Y	Y	Y	Y	Y
2. Single-Family Residences	Y	Y	Y	Y	Y
3. Day-Care Homes	Y	Y	Y	Y	Y
4. Bed and Breakfast	Y	Y	Y	Y	Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	AR-1	AR-2	AR-5	AR-10	AR-25
1. Home Occupations	Y	Y	Y	Y	Y
2. Churches and Similar Places of Worship	Y	Y	Y	Y	Y
3. Primary and Secondary Schools	N	Y	Y	Y	Y
4. Institutions of Higher Learning	N	N	Y	Y	Y

## R-1, R-2, R-2A, R-2B

PRINCIPAL PERMITTED AND CONDITIONED USES:	R-1	R-2	R-2A	R-2B
1. Single-Family Dwellings	Y	Y	Y	Y
	N	Y	Y	Y
	N	N	Y	Y
	N	N	N	Y
2. Bed and Breakfast	Y	Y	Y	Y
	N	Y	Y	Y
	N	N	Y	Y
	N	N	N	Y
3. Agriculture and Related Buildings and Structures	--	--	--	--
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	R-1	R-2	R-2A	R-2B
1. Home Occupation	Y	Y	Y	Y
2. Churches & similar places of worship	Y	Y	Y	Y
3. Primary & Secondary Schools	Y	Y	Y	Y
4. Institutions of Higher Learning	Y	N	N	N
5. Hospitals & Auxiliary Facilities	Y	Y	Y	N
6. Group Care Homes	Y	Y	Y	Y
	N	Y	Y	Y
	N	N	Y	Y
	N	N	N	Y
7. Farm Markets	Y	Y	Y	Y
8. Cemeteries	Y	N	N	N
9. Day-Care Homes	Y	Y	Y	Y
	N	Y	Y	Y
	N	N	Y	Y
	N	N	N	Y
10. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	N
11. Radio, Television & Telecommunication Transmission / Receiving Towers	Y	N	N	N
12. Zero Lot Line, Cluster, Detached, Semi-detached Dwellings, or other housing types of a similar character	N	Y	Y	Y

## R-MHP

PRINCIPAL PERMITTED USES:
1. Mobile Homes
2. Manufactured Homes
3. Communal Facilities

Y = Yes (Permitted)

N = No (Not Permitted)

## R-3 & R-4

PRINCIPAL PERMITTED AND CONDITIONED USES:	R-3	R-4
1. Single-Family Dwellings	Y	Y
2. Two-Family Dwellings	Y	Y
3. Three-Family Dwellings	N	Y
4. Four-Family Dwellings	N	Y
5. Multiple-Family Dwellings	N	Y
6. Condominium Residences	N	Y
7. Agriculture and Related Buildings & Structures	Y	Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	R-3	R-4
1. Zero Lot Line, Cluster, Detached, Semi-detached, or Attached Dwellings, or other housing types of a similar character	Y	Y
2. Home Occupation	Y	Y
3. Churches & similar places of worship	Y	Y
4. Group Care Homes	Y	Y
5. Day-Care Homes	Y	Y
6. Day-Care Centers	N	Y
7. Community Facilities	N	Y

## PD

PRINCIPAL PERMITTED USES:
1. PD-R (Residential)
2. PD-O (Office)
3. PD-B (Business)
4. PD-I (Industrial)
5. PD-M (Mixed Uses)
6. PD-C (Conservation)
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)
1. Home Occupation

# CLARK COUNTY ZONING

General Uses - see zoning text for details and other restrictions

May 2003

## B-1, B-2, B-3 & B-4

PRINCIPAL PERMITTED AND CONDITIONED USES:	B-1	B-2	B-3	B-4
1. Business and/or Professional Offices	Y	Y	Y	Y
2. Banks & Financial Institutions	Y	Y	Y	Y
3. Eating & Drinking Places, excluding Drive-in or Carry-out	Y	Y	Y	Y
4. Radio and Television Broadcasting Studios	Y	Y	Y	Y
5. Funeral Homes & Mortuaries	Y	Y	Y	Y
6. Automotive Service Stations	Y	Y	Y	Y
7. Custom Butcher Shops	Y	Y	Y	Y
8. Indoor Motion Picture Theaters	N	Y	Y	Y
9. Retail Food Stores	N	Y	Y	Y
10. Drive-in, Fast Food, Drive-in Carry-out Restaurants and/or Drive-through Retail Establishments	N	Y	Y	Y
11. Garden Centers, Greenhouses	N	Y	Y	Y
12. Automotive Repair Garages	N	Y	Y	Y
13. Car Washes	N	Y	Y	Y
14. Air Conditioning, Plumbing, Heating, and Roofing Shops	N	Y	Y	Y
15. Automotive & Auto Accessory Sales	N	Y	Y	Y
16. Building and Related Trades	N	Y	Y	Y
17. Commercial Recreation Establishments	N	Y	Y	Y
18. Animal Hospitals, Veterinary Clinics, and Kennels	N	N	Y	Y
19. Building Material Sales Yard	N	N	Y	Y
20. Drive-In Motion Picture Theater	N	N	Y	Y
21. Private and Public Outdoor Recreation Areas	N	N	Y	Y
22. Motels and Hotels	N	N	Y	Y
23. Hospitals & Auxiliary Facilities	N	N	Y	Y
24. Automotive Body Shop	N	N	Y	Y
25. Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business	N	N	N	Y
26. Bottling of Soft Drinks and Milk or Distributing Stations	N	N	N	Y
27. Contractor's Equipment Storage Yard or Storage & Rental Contractor's Equipment	N	N	N	Y
28. Motor Vehicle, Boat, & Camper Storage	N	N	N	Y
29. Trucking and Motor Freight Station or Terminal	N	N	N	Y
30. Carting, Express, or Hauling Establishments	N	N	N	Y
31. Stone or Monument Works	N	N	N	Y
32. Mini-Warehouse or Self Storage Facilities	N	N	N	Y

## B-1, B-2, B-3 & B-4

CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	B-1	B-2	B-3	B-4
1. Commercial Recreation Establishments	Y	--	--	--
2. Day-Care Centers	Y	Y	Y	Y
3. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	Y
4. Clubs, Fraternal or Lodge Organizations	Y	Y	Y	Y
5. Animal Hospitals, Veterinary Clinics, and Kennels	Y	Y	--	--
6. Bars and Taverns	N	Y	Y	Y
7. Wholesale Establishments	N	N	Y	Y
8. Adult Entertainment Establishments	N	N	N	Y

## I-1

PRINCIPAL PERMITTED AND CONDITIONED USES:
1. Industrial & Manufacturing Establishments
2. Warehouses
3. Wholesale Establishments
4. Manufacturing Retail Outlets
5. Any use permitted and as regulated as a Principal Permitted or Conditioned Use in the B-4 District
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)
1. Any use permitted and as regulated as a Conditionally Permitted Use in the B-4 District
2. Junkyards & Automobile Wrecking Yards
3. Resource and Mineral Extraction
4. Penal & Correctional Facilities
5. Sanitary Landfills

## O-1 & OR-2

PRINCIPAL PERMITTED AND CONDITIONED USES:	O-1	OR-2
1. Business and/or Professional Offices, including Medical and Dental Clinics	Y	N
2. Banks and Financial Institutions	Y	N
3. Law, Real Estate, and Insurance Offices	Y	N
4. Business Service Establishments	Y	N
5. Single-Family Dwellings	N	Y
6. Incidental Business Uses	N	Y

Y = Yes (Permitted)

N = No (Not Permitted)